

In the Matter of

Case No.: 1:21-cv-7163 (HG)(LB)

STIDHUM

v.

161-10 HILLSIDE AUTO AVE, LLC, et al.

Examination of Leticia Francine Stidhum

Friday, February 17, 2023

CONDENSED



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469 Seventh Avenue
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STIDHUM v. 161-10 HILLSIDE AUTO AVE, et al.
Leticia Francine Stidhum --- February 17, 2023

1	<p>UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK Case No.: 1:21-cv-7163 (HG) (LB) -----X</p> <p>LETICIA FRANCINE STIDHUM,</p> <p style="padding-left: 100px;">Plaintiff,</p> <p style="text-align: center;">-against-</p> <p>161-10 HILLSIDE AUTO AVE, LLC d/b/a Hillside Auto Outlet, HILLSIDE AUTO MALL INC. d/b/a Hillside Auto Mall, ISHAQUE THANWALLA, JORY BARON, RONALD M. BARON, and ANDRIS GUZMAN,</p> <p style="text-align: center;">Defendants.</p> <p>-----X</p> <p style="text-align: center;">February 17, 2023 9:23 a.m.</p> <p style="text-align: center;">Examination before Trial of PLAINTIFF, LETICIA FRANCINE STIDHUM, held pursuant to Notice, held via Zoom conference, before Ruthayn Shalom, a Notary Public of the State of New York.</p>	2
3	<p>2 A P P E A R A N C E S :</p> <p>3 TROY LAW, PLLC</p> <p>4 Attorneys for Plaintiff</p> <p>4125 Kissena Boulevard, Suite 103</p> <p>Flushing, New York 11355</p> <p>5 BY: TIFFANY TROY, ESQ.</p> <p>troylaw2troypllc.com</p> <p>6</p> <p>7</p> <p>8 MILMAN LABUDA LAW GROUP, PLLC</p> <p>Attorneys for Defendants</p> <p>9 3000 Marcus Avenue, Suite 3W8</p> <p>Lake Success, New York 11042</p> <p>10 BY: EMANUEL KATAEV, ESQ.</p> <p>emanuel@mllaborlaw.com</p> <p>11</p> <p>12</p> <p>ALSO PRESENT:</p> <p>13 Ishaque Thanwalla</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	4
2	<p>1 L. Stidhum</p> <p>2 L E T I C I A F R A N C I N E S T I D H U M ,</p> <p>3 a Plaintiff, having been first duly sworn by</p> <p>4 Ruthayn Shalom, a Notary Public of the State of</p> <p>5 New York, and stating her address as 2815 Murray</p> <p>6 Street, Flushing, New York, 11354, was examined</p> <p>7 and testified as follows:</p> <p>8 MR. KATAEV: Before we begin, Counsel, we</p> <p>9 are going to agree to the usual federal stips;</p> <p>10 is that right?</p> <p>11 MS. TROY: Agreed.</p> <p>12 MR. KATAEV: For the record that is</p> <p>13 filing, seal and certification is waived.</p> <p>14 Objections except as to form are reserved for</p> <p>15 trial. The examination may be sworn to before</p> <p>16 any notary public. A copy of the transcript</p> <p>17 will be sent to the attorney representing the</p> <p>18 witness, correct?</p> <p>19 MS. TROY: Correct. So we are clear,</p> <p>20 pursuant to Federal Rules of Civil Procedure</p> <p>21 30E, I'm going to ask that you provide a copy</p> <p>22 of the transcript to review it and list any</p> <p>23 changes to be made.</p> <p>24 MR. KATAEV: No problem.</p> <p>25 EXAMINATION BY</p>	25

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<p style="text-align: right;">5</p> <p>1 L. Stidhum</p> <p>2 MR. KATAEV:</p> <p>3 Q Good morning. My name is Emanuel Kataev.</p> <p>4 I'm the attorney for the Defendants in this case</p> <p>5 which are 161-10 Hillside Auto Ave., LLC, Hillside</p> <p>6 Auto Mall, Inc., Ishaque Thanwalla, Andris Guzman,</p> <p>7 Jory Baron, and Ronald M. Baron. From here on in I</p> <p>8 will refer to 161-10 Hillside Auto Ave. as Hillside</p> <p>9 Auto Outlet, okay? I need a yes or no, please.</p> <p>10 A Yes.</p> <p>11 Q I will refer to Hillside Auto Mall, Inc.</p> <p>12 as Hillside Auto Mall, okay?</p> <p>13 A Yes.</p> <p>14 MS. TROY: If you're referring to the</p> <p>15 corporation as the corporate entity, if you</p> <p>16 could say the entire name so there is no</p> <p>17 confusion.</p> <p>18 MR. KATAEV: No, that's exactly what I'm</p> <p>19 not doing. I will be referring to it according</p> <p>20 to the short name that I provided.</p> <p>21 MS. TROY: To the extent that the witness</p> <p>22 has any confusion, I suggest that, you know,</p> <p>23 you read out the whole name.</p> <p>24 MR. KATAEV: You will have that with Rule</p> <p>25 30E so you will be good to go. Hillside Auto</p>	<p style="text-align: right;">6</p> <p>1 L. Stidhum</p> <p>2 Outlet is 161-10, Hillside Auto Mall is</p> <p>3 Hillside Auto Mall. I will decide how I ask</p> <p>4 the questions.</p> <p>5 BY MR. KATAEV:</p> <p>6 Q Jory Baron, I will refer to him as Jory,</p> <p>7 okay?</p> <p>8 A Yes.</p> <p>9 Q Ishaque Thanwalla I will refer to as</p> <p>10 Isaac, okay?</p> <p>11 A Yes.</p> <p>12 Q Andris Guzman I will refer to as Andris,</p> <p>13 okay?</p> <p>14 A Yes.</p> <p>15 Q Ronald M. Baron I will refer to as</p> <p>16 Mr. Baron or Ronald, okay?</p> <p>17 A Yes.</p> <p>18 MS. TROY: Excuse me, if both Jory and</p> <p>19 Ronald are Mr. Barons, I would suggest that you</p> <p>20 use the full name and not Mr. Baron.</p> <p>21 MR. KATAEV: I will primarily use Ronald.</p> <p>22 I will decide how I ask the question.</p> <p>23 BY MR. KATAEV:</p> <p>24 Q I will be asking you and you will be</p> <p>25 answering questions today about yourself, the</p>
<p style="text-align: right;">7</p> <p>1 L. Stidhum</p> <p>2 Defendants, your complaint and other related</p> <p>3 subjects; do you understand?</p> <p>4 A Yes.</p> <p>5 Q Your testimony today is subject to the</p> <p>6 same oath and the same penalty of perjury as if you</p> <p>7 were testifying in court; do you understand that?</p> <p>8 A Yes.</p> <p>9 Q We are here today concerning your</p> <p>10 discrimination case, today?</p> <p>11 A Correct.</p> <p>12 Q You filed a separate wage and hour action</p> <p>13 as well, correct?</p> <p>14 A Yes.</p> <p>15 MR. KATAEV: To the extent that any</p> <p>16 questions are asked or overlap into the other</p> <p>17 case, Defendants are nonetheless -- reserve the</p> <p>18 right to conduct a separate deposition in that</p> <p>19 actions.</p> <p>20 BY MR. KATAEV:</p> <p>21 Q Have you ever been deposed before,</p> <p>22 Ms. Stidhum?</p> <p>23 A No.</p> <p>24 Q This is your first time?</p> <p>25 A Yes.</p>	<p style="text-align: right;">8</p> <p>1 L. Stidhum</p> <p>2 Q I'm going to go over some of the basic</p> <p>3 ground rules for a deposition so we can have a</p> <p>4 smooth and easygoing deposition, okay?</p> <p>5 A Okay.</p> <p>6 Q First, keep your voice loud and clear for</p> <p>7 the court reporter. Second, please answer in words.</p> <p>8 The court reporter cannot take down body gestures or</p> <p>9 mumbling. Third, allow me to complete my question</p> <p>10 before you answer and I will give you the same</p> <p>11 courtesy so as to help the court reporter to not</p> <p>12 have to write down what two people are saying at the</p> <p>13 same time. Do you understand these ground rules so</p> <p>14 far?</p> <p>15 A Yes.</p> <p>16 Q Fourth, if you don't understand a question</p> <p>17 tell me and I will rephrase it. However, if you</p> <p>18 answer I will assume that you understood the</p> <p>19 question, okay?</p> <p>20 A Okay, yes.</p> <p>21 Q I'm looking for your best recollection of</p> <p>22 events today. I realize we are going to be speaking</p> <p>23 about events that occurred in May of 2018 through</p> <p>24 January of '19 and sometimes beyond. I don't want</p> <p>25 you to guess at answers, however, I'm still entitled</p>

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<p style="text-align: right;">9</p> <p>1 L. Stidhum</p> <p>2 to your best recollection of events, okay?</p> <p>3 A Okay.</p> <p>4 Q You can take a break any time for any</p> <p>5 reason except if there is a question pending. You</p> <p>6 need to answer that question before we take the</p> <p>7 break, okay?</p> <p>8 A Okay.</p> <p>9 Q Do you understand these ground rules?</p> <p>10 A Yes.</p> <p>11 Q Have you consumed any drugs, alcohol or</p> <p>12 medication within the last 24 hours that would</p> <p>13 affect your ability to provide truthful testimony</p> <p>14 today?</p> <p>15 A No.</p> <p>16 Q Is there any reason you can think of as to</p> <p>17 why you cannot provide truthful answers to my</p> <p>18 questions today?</p> <p>19 A No.</p> <p>20 Q Did you prepare for today's deposition?</p> <p>21 A Yes.</p> <p>22 Q How did you prepare?</p> <p>23 MS. TROY: Objection to the extent that it</p> <p>24 calls for any attorney/client communication.</p> <p>25 Q Don't tell me anything that you said to</p>	<p style="text-align: right;">10</p> <p>1 L. Stidhum</p> <p>2 your attorney or anything that your attorney said to</p> <p>3 you, but the fact of the conversation is</p> <p>4 permissible. You can tell me you did speak without</p> <p>5 telling me what you said.</p> <p>6 How did you prepare for the</p> <p>7 deposition with that qualification?</p> <p>8 A Last week we met for two to three hours.</p> <p>9 Q In person?</p> <p>10 A Yes.</p> <p>11 Q Other than meeting in person for two to</p> <p>12 three hours, did you prepare in any way for your</p> <p>13 deposition?</p> <p>14 A No.</p> <p>15 Q During your meeting last week, did you</p> <p>16 review my documents?</p> <p>17 A Yes.</p> <p>18 Q Which documents did you review, and again</p> <p>19 same qualification, don't tell me anything that you</p> <p>20 said or anything that your attorney said to you.</p> <p>21 A The documents you provided pretty much and</p> <p>22 like a spread of what was -- what I was -- the</p> <p>23 decrease in pay, I should say.</p> <p>24 Q The damage calculation, correct?</p> <p>25 A Yes.</p>
<p style="text-align: right;">11</p> <p>1 L. Stidhum</p> <p>2 Q And also the almost 2,000 pages of</p> <p>3 documents mostly consisting of leads information,</p> <p>4 right?</p> <p>5 A Yes.</p> <p>6 Q Other than those two sets of documents,</p> <p>7 did you review anything else?</p> <p>8 A No.</p> <p>9 Q Did you review the complaint?</p> <p>10 A I'm sorry?</p> <p>11 Q Did you review the complaint in</p> <p>12 preparation for the deposition?</p> <p>13 A No.</p> <p>14 Q Did you ever sign any affidavit,</p> <p>15 statement, declaration or any other document under</p> <p>16 oath or affirmation concerning your employment with</p> <p>17 the dealership Hillside Auto Outlet?</p> <p>18 MS. TROY: Which case are you talking</p> <p>19 about?</p> <p>20 MR. KATAEV: This case.</p> <p>21 A Yes.</p> <p>22 Q Do you recall what that was?</p> <p>23 A The interrogatories.</p> <p>24 Q Okay. Other than that, do you remember</p> <p>25 signing anything else?</p>	<p style="text-align: right;">12</p> <p>1 L. Stidhum</p> <p>2 A No.</p> <p>3 Q Did you speak with or obtain statements</p> <p>4 from any other employees at Hillside Auto Outlet?</p> <p>5 MS. TROY: Which case are you talking</p> <p>6 about?</p> <p>7 MR. KATAEV: Any case.</p> <p>8 A No.</p> <p>9 Q Same question for Hillside Auto Mall?</p> <p>10 MS. TROY: Again, now you're trying to</p> <p>11 split up the two companies. Both companies are</p> <p>12 sued.</p> <p>13 MR. KATAEV: I'm not trying to split up</p> <p>14 anything. I'm asking a question.</p> <p>15 BY MR. KATAEV:</p> <p>16 Q The question is and I will repeat it: Did</p> <p>17 you speak to or obtain any statements from any</p> <p>18 employees at Hillside Auto Mall?</p> <p>19 MS. TROY: Does that include coworkers</p> <p>20 meaning the coplaintiff in the State court</p> <p>21 case?</p> <p>22 MR. KATAEV: I don't know. She has to</p> <p>23 tell me.</p> <p>24 MS. TROY: You need to be clear in your</p> <p>25 question.</p>

3 (Pages 9 to 12)

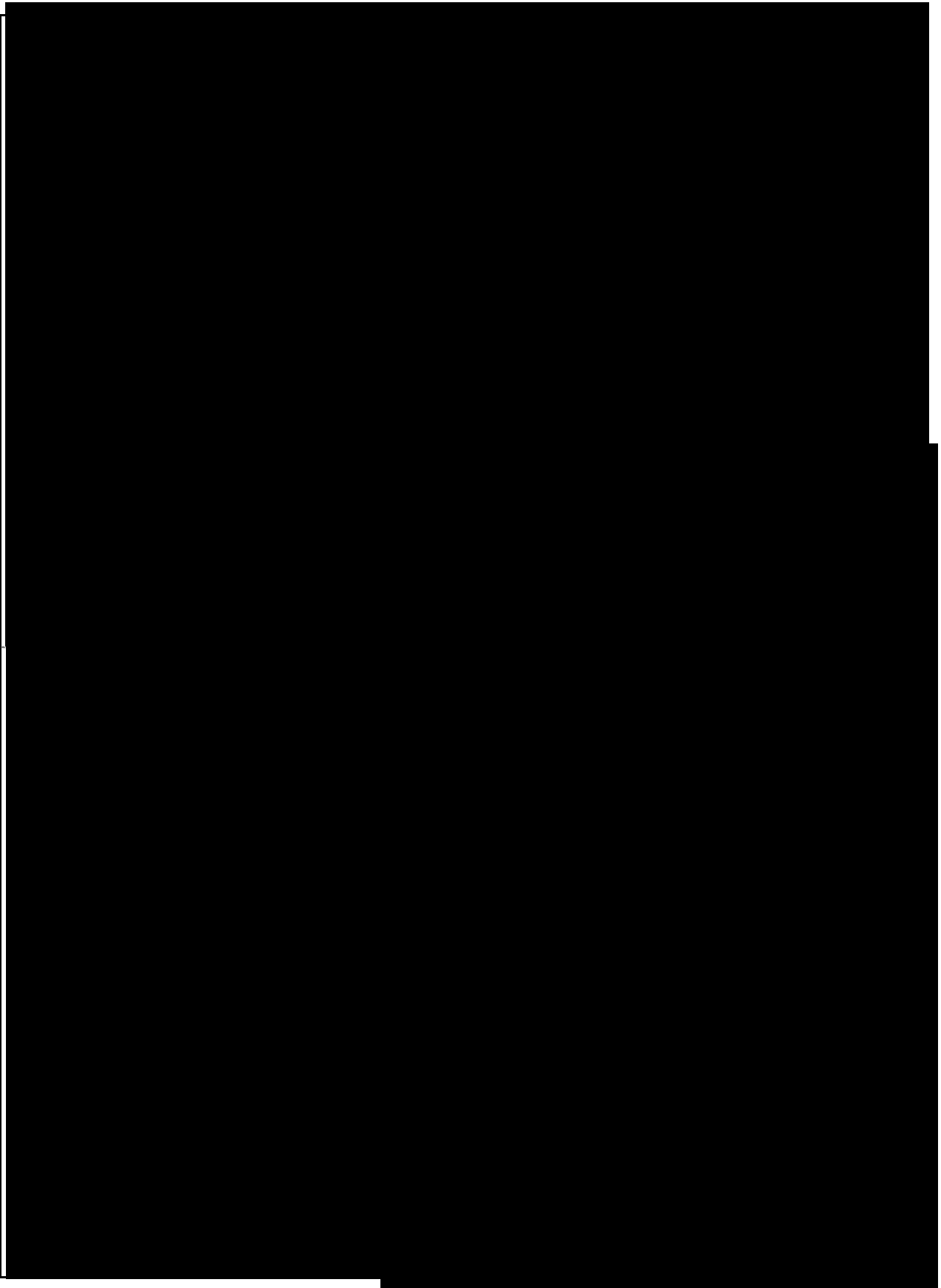
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13	<p>1 L. Stidhum</p> <p>2 MR. KATAEV: I think you need to look at</p> <p>3 Rule 30 and read it carefully. It says all you</p> <p>4 do is say, Objection, and the grounds therefor.</p> <p>5 If you continue with the speaking objections --</p> <p>6 MS. TROY: Objection. Ambiguous.</p> <p>7 MR. KATAEV: -- I'm going to call the</p> <p>8 court and I don't want to do that. I'm going</p> <p>9 to repeat the question.</p> <p>10 BY MR. KATAEV:</p> <p>11 Q Did you speak to or obtain statements from</p> <p>12 any other employees at Hillside Auto Mall?</p> <p>13 A Yes.</p> <p>14 Q Who did you obtain statements from?</p> <p>15 A David, I mean -- but are we talking about</p> <p>16 Hillside Auto Outlet and Auto Mall as one? It's</p> <p>17 kind of confusing.</p> <p>18 MS. TROY: I'm going to ask that you use</p> <p>19 the full name of the company, sir. I think</p> <p>20 it's getting confusing.</p> <p>21 MR. KATAEV: It's not confusing.</p> <p>22 161-10 is Hillside Auto Outlet.</p> <p>23 Hillside Auto Mall is Hillside Auto Mall. Please</p> <p>24 stop violating Rule 30.</p> <p>25</p>	14	<p>1 L. Stidhum</p> <p>2 BY MR. KATAEV:</p> <p>3 Q The question is: Who is David?</p> <p>4 A David Manrique.</p> <p>5 Q Are you saying that David Manrique is an</p> <p>6 employee of Hillside Auto Mall?</p> <p>7 A No.</p> <p>8 Q You can clarify. Go ahead.</p> <p>9 A So if we are talking about Hillside Auto</p> <p>10 Mall specifically, then no.</p> <p>11 Q When I asked you earlier, did you obtain</p> <p>12 any statements from other employees at Hillside Auto</p> <p>13 Outlet, do you want to clarify your answer?</p> <p>14 A David Manrique.</p> <p>15 Q Other than David Manrique, did anyone else</p> <p>16 provide any statements?</p> <p>17 A No.</p> <p>18 Q What statement did David Manrique provide</p> <p>19 you?</p> <p>20 A It's not a statement. It was more a</p> <p>21 conversation we had.</p> <p>22 Q Was it written down in any way?</p> <p>23 A No.</p> <p>24 Q Was it a text message or email?</p> <p>25 A No.</p>
15	<p>1 L. Stidhum</p> <p>2 Q He didn't sign something swearing under</p> <p>3 penalty of perjury, XYZ?</p> <p>4 A No.</p> <p>5 Q What did you and David discuss?</p> <p>6 A Just, like, the status of the case.</p> <p>7 Q That's because David Manrique is a</p> <p>8 coplaintiff with you in a State court wage and hour</p> <p>9 action, correct?</p> <p>10 A Correct.</p> <p>11 Q Against the same defendants here, correct?</p> <p>12 A Right.</p> <p>13 Q Other than your attorney, did you speak</p> <p>14 with anyone else about your deposition today?</p> <p>15 A No.</p> <p>16 Q Did you tell anyone you would be doing a</p> <p>17 deposition today?</p> <p>18 A No.</p> <p>19 Q You said you didn't review the complaint</p> <p>20 in preparation for the deposition. Did you review</p> <p>21 the complaint in general ever?</p> <p>22 A Yes. When it was first submitted. It was</p> <p>23 quite some time ago.</p> <p>24 Q You verified its contents before it was</p> <p>25 filed, correct?</p>	16	<p>1 L. Stidhum</p> <p>2 A Yes.</p> <p>3 Q Have you had any conversations with anyone</p> <p>4 other than your attorneys in preparation for during</p> <p>5 your deposition?</p> <p>6 A No.</p> <p>7 Q Have you had any conversation with anybody</p> <p>8 else other than your attorneys and David Manrique</p> <p>9 about your case against the dealership?</p> <p>10 A No.</p> <p>11 Q What is every name that you ever used or</p> <p>12 gone by, other than Leticia Francine Stidhum?</p> <p>13 A Letty.</p> <p>14 Q L-e-t-t-y?</p> <p>15 A Yes.</p> <p>16 Q Any other names?</p> <p>17 A No.</p> <p>18 Q The current address that you provided at</p> <p>19 the beginning of the deposition, do you rent or own?</p> <p>20 A Rent.</p> <p>21 Q Who do you live with?</p> <p>22 A My mother and stepfather and my two</p> <p>23 children.</p> <p>24 Q How old are your children?</p> <p>25 A One and three.</p>

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<p style="text-align: right;">17</p> <p>1 L. Stidhum</p> <p>2 Q What is your birthdate?</p> <p>3 A My birthdate?</p> <p>4 Q Correct.</p> <p>5 A [REDACTED]</p> <p>6 MS. TROY: I'm going to ask that</p> <p>7 everything except the birth year be marked as</p> <p>8 confidential.</p> <p>9 MR. KATAEV: We have a confidentiality</p> <p>10 agreement in this case?</p> <p>11 MS. TROY: I don't believe so, but I'm</p> <p>12 going ask that any filings to court have her --</p> <p>13 again, everything other than her birth year</p> <p>14 redacted consistent with the local rules of the</p> <p>15 Eastern District of New York and on the</p> <p>16 transcript itself, everything other than the</p> <p>17 birth year be marked as confidential.</p> <p>18 MR. KATAEV: I don't believe that's the</p> <p>19 way it works. The rule provides if you file</p> <p>20 something publicly, you redact that</p> <p>21 information. It doesn't entitle you to mark it</p> <p>22 confidential, it just gets redacted. We will</p> <p>23 follow the rule.</p> <p>24 BY MR. KATAEV:</p> <p>25 Q Were you born in the United States,</p>	<p style="text-align: right;">18</p> <p>1 L. Stidhum</p> <p>2 Ms. Stidhum?</p> <p>3 A Yes.</p> <p>4 Q When is the last time you left the</p> <p>5 country?</p> <p>6 A September of 2020.</p> <p>7 Q Prior to that time and focusing on the</p> <p>8 timeframe of March 2018 until January of '19, did</p> <p>9 you leave the United States of America?</p> <p>10 A No.</p> <p>11 Q Same question, did you leave the State of</p> <p>12 New York?</p> <p>13 A Could you clarify the timeframe again?</p> <p>14 Q Sure, no problem. The timeframe again,</p> <p>15 May 2018 through January of '19.</p> <p>16 A I don't believe so. Again, it was a long</p> <p>17 time ago so I don't want to answer dishonestly.</p> <p>18 Q Are you currently married?</p> <p>19 A No.</p> <p>20 Q Were you ever married?</p> <p>21 A No.</p> <p>22 Q Your children currently live with you?</p> <p>23 A Yes.</p> <p>24 Q You've lived in New York all your life?</p> <p>25 A No.</p>
<p style="text-align: right;">19</p> <p>1 L. Stidhum</p> <p>2 Q Where did you live prior to living in</p> <p>3 New York?</p> <p>4 MS. TROY: Objection as to timeframe.</p> <p>5 Could you clarify what timeframe you're talking</p> <p>6 about.</p> <p>7 MR. KATAEV: Her whole life, her whole</p> <p>8 life.</p> <p>9 A Florida.</p> <p>10 Q Were you born in Florida?</p> <p>11 A Yes.</p> <p>12 Q When did you move to New York?</p> <p>13 A I have been back and forth pretty much my</p> <p>14 whole life. I did some school there, some school</p> <p>15 here. So it's kind of a hard question.</p> <p>16 Q Understood. When is the last time you</p> <p>17 went to Florida and came back to New York,</p> <p>18 timeframe?</p> <p>19 A Like to live?</p> <p>20 Q Yes.</p> <p>21 A I want to say June of 2018 or -- no, June</p> <p>22 of 2017.</p> <p>23 Q Is when you left to Florida?</p> <p>24 A When I came back to New York.</p> <p>25 Q After returning from Florida in June of</p>	<p style="text-align: right;">20</p> <p>1 L. Stidhum</p> <p>2 '17, when is the next time you went back to Florida,</p> <p>3 if ever?</p> <p>4 A For vacation only pretty much.</p> <p>5 Q When was that?</p> <p>6 A I don't remember exactly.</p> <p>7 Q Month and year?</p> <p>8 A I have gone back quite a couple of times.</p> <p>9 Honestly, I don't remember.</p> <p>10 MR. KATAEV: We will follow up in writing</p> <p>11 with an interrogatory about -- to the extent</p> <p>12 you were in Florida at any point in time for</p> <p>13 the period of May 2018 until January of '19, we</p> <p>14 would want to know what dates you were in</p> <p>15 Florida, but we will follow up in writing. You</p> <p>16 don't have to answer now.</p> <p>17 (Counsel Request.)</p> <p>18 A These times I didn't go to Florida.</p> <p>19 Q You know that for a fact?</p> <p>20 [REDACTED]</p>

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<p style="text-align: right;">25</p> <p>1 L. Stidhum</p> <p>2 extent that you did not produce a document that</p> <p>3 is part of the document production request, I</p> <p>4 don't think you're entitled to use it.</p> <p>5 MR. KATAEV: You're wrong. I objected and</p> <p>6 you didn't follow up in a motion to compel and</p> <p>7 you were denied your motion to compel in that</p> <p>8 regard.</p> <p>9 Can we proceed?</p> <p>10 MS. TROY: I understand that you're trying</p> <p>11 to --</p> <p>12 MR. KATAEV: We are not here to discuss</p> <p>13 your objections. This is my deposition. I</p> <p>14 want to move on. Can we move on?</p> <p>15 MS. TROY: I understand. I'm going to</p> <p>16 make a quick record. I'm going to make it</p> <p>17 clear to the record that I requested this as</p> <p>18 part of the document request. Mr. Kataev did</p> <p>19 not produce the document as part of the</p> <p>20 document production request.</p> <p>21 MR. KATAEV: That's correct. I objected</p> <p>22 and you failed to follow up in a motion to</p> <p>23 compel and you already lost your motion to</p> <p>24 compel in that regard. We are moving on.</p> <p>25 MS. TROY: That is incorrect.</p>	<p style="text-align: right;">26</p> <p>1 L. Stidhum</p> <p>2 MR. KATAEV: You can take it up with the</p> <p>3 court. I'm going to proceed with my</p> <p>4 deposition.</p> <p>5 BY MR. KATAEV:</p> <p>6 Q Ms. Stidhum, other than this lawsuit and a</p> <p>7 State court wage and hour lawsuit with Mr. Manrique,</p> <p>8 have you ever been a party to any other lawsuit as a</p> <p>9 plaintiff or defendant?</p> <p>10 A No.</p> <p>11 Q These are the only two lawsuits you have</p> <p>12 ever been a part of?</p> <p>13 A Yes.</p> <p>14 Q Have you ever filed a complaint against</p> <p>15 any of your employers with any administrative agency</p> <p>16 ever?</p> <p>17 A Yes.</p> <p>18 Q Which agency did you file a complaint</p> <p>19 with?</p> <p>20 MS. TROY: If she knows.</p> <p>21 MR. KATAEV: Don't coach the witness. You</p> <p>22 either say, Objection, and the grounds they are</p> <p>23 for or nothing. Do not say, If she knows.</p> <p>24 You're coaching her to say, I don't know, I</p> <p>25 don't abide by that. I'm going to call the</p>
<p style="text-align: right;">27</p> <p>1 L. Stidhum</p> <p>2 court. It's not proper conduct.</p> <p>3 BY MR. KATAEV:</p> <p>4 Q Please answer the question.</p> <p>5 A If I'm not mistaken, the EEOC.</p> <p>6 Q Other than the EEOC, did you ever file a</p> <p>7 complaint with any other administrative agency?</p> <p>8 A No.</p> <p>9 Q Thank you. Just for the record, the</p> <p>10 complaint you filed with the EEOC relates to the</p> <p>11 same defendants here, correct?</p> <p>12 A Yes.</p> <p>13 MS. TROY: Objection. It's not a</p> <p>14 complaint.</p> <p>15 MR. KATAEV: It's just, Objection to form.</p> <p>16 You don't say, It's not a complaint. Stop with</p> <p>17 the speaking objections, okay?</p> <p>18 BY MR. KATAEV:</p> <p>19 Q Have you ever filed for unemployment?</p> <p>20 A Yes.</p> <p>21 Q Against which employer did you file an</p> <p>22 unemployment claim for?</p> <p>23 A Luxury Motor Club.</p> <p>24 Q That's after your left your employment</p> <p>25 with the defendants, correct?</p>	<p style="text-align: right;">28</p> <p>1 L. Stidhum</p> <p>2 A Right.</p> <p>3 Q Have you ever filed a claim for workers'</p> <p>4 compensation?</p> <p>5 A No.</p> <p>6 Q Have you ever applied for food stamps?</p> <p>7 A Yes.</p> <p>8 Q When was the most recent time?</p> <p>9 A Currently I have them.</p> <p>10 Q For the record, to apply for food stamps,</p> <p>11 you have to provide information about your income,</p> <p>12 correct?</p> <p>13 A Correct.</p> <p>14 Q You provided that information about your</p> <p>15 income, correct?</p> <p>16 A Right.</p> <p>17 Q Did you ever apply for Medicare or</p> <p>18 Medicaid?</p> <p>19 A Yes.</p> <p>20 Q You currently have that as well, right?</p> <p>21 A Right.</p> <p>22 Q In order to obtain Medicare/Medicaid, you</p> <p>23 also have to provide information about your income,</p> <p>24 correct?</p> <p>25 A Yes.</p>

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29	<p>1 L. Stidhum</p> <p>2 Q You did provide that information, correct?</p> <p>3 A Yes.</p> <p>4 Q Have you ever applied for childcare</p> <p>5 assistance?</p> <p>6 A I'm not sure.</p> <p>7 MR. KATAEV: We will follow up in writing.</p> <p>8 (Counsel Request.)</p> <p>9 BY MR. KATAEV:</p> <p>10 Q What about housing assistance?</p> <p>11 A Yes.</p> <p>12 Q You currently have that as well?</p> <p>13 A Yes.</p> <p>14 Q Again, you have to provide information</p> <p>15 about your income for that, right?</p> <p>16 A Yes.</p> <p>17 Q You did provide that information, correct?</p> <p>18 A Correct.</p> <p>19 Q To the extent that food assistance is</p> <p>20 different from food stamps, did you ever apply for</p> <p>21 that benefit?</p> <p>22 A I don't think so.</p> <p>23 Q What about educational assistance?</p> <p>24 A No, I don't think so.</p> <p>25 Q Did you attend high school?</p>	30	<p>1 L. Stidhum</p> <p>2 A Yes.</p> <p>3 Q Where?</p> <p>4 A Florida.</p> <p>5 Q Name?</p> <p>6 A Gateway High School, but that's not where</p> <p>7 I graduated from.</p> <p>8 Q Where did you graduate?</p> <p>9 A Alco. I got my GED.</p> <p>10 Q Which schools, if any, did you attend here</p> <p>11 in New York for high school?</p> <p>12 A Flushing High School and Benjamin Cardozo.</p> <p>13 Q You didn't get a high school diploma, you</p> <p>14 got a GED, correct?</p> <p>15 A Correct.</p> <p>16 Q Did you ever attend any college?</p> <p>17 A No.</p> <p>18 Q Did you have gap in your education during</p> <p>19 high school?</p> <p>20 A No.</p> <p>21 Q There is no graduate or professional</p> <p>22 school, correct?</p> <p>23 A No.</p> <p>24 Q What about vocational school?</p> <p>25 A No.</p>
31	<p>1 L. Stidhum</p> <p>2 Q Are you familiar with dealership</p> <p>3 certification programs?</p> <p>4 A Not really.</p> <p>5 Q Are you aware, for example, that if you</p> <p>6 sell Ford vehicles that Ford offers certification</p> <p>7 programs for salespeople?</p> <p>8 A Yes.</p> <p>9 Q Have you ever taken any of those kind of</p> <p>10 courses?</p> <p>11 A No.</p> <p>12 Q Were those offered to you at any of the</p> <p>13 dealerships you worked for?</p> <p>14 A No, I mostly worked for used car lots.</p> <p>15 Q Used car lots generally don't offer those?</p> <p>16 A No.</p> <p>17 Q After you got your GED in Florida, is that</p> <p>18 the first time you started working?</p> <p>19 A I'm not sure.</p> <p>20 Q Do you recall whether you ever worked</p> <p>21 during high school?</p> <p>22 A I don't believe so. No, I didn't.</p> <p>23 Q After you got your GED, where was the</p> <p>24 first place you remember working?</p> <p>25 A McDonald's.</p>	32	<p>1 L. Stidhum</p> <p>2 Q Do you remember the month and year you</p> <p>3 started there?</p> <p>4 A No idea.</p> <p>5 Q After you worked at McDonald's, where did</p> <p>6 you work?</p> <p>7 A I can't remember that far back. I want to</p> <p>8 say it might have been Dollar Tree.</p> <p>9 Q The McDonald's that you worked at, was it</p> <p>10 in Florida or New York?</p> <p>11 A Florida.</p> <p>12 Q What about Dollar Tree?</p> <p>13 A New York.</p> <p>14 Q Do you remember the month and year you</p> <p>15 started at Dollar Tree?</p> <p>16 A I don't.</p> <p>17 Q Did you get fired from McDonald's?</p> <p>18 A No, I quit.</p> <p>19 Q Why?</p> <p>20 A I was being young and stupid kind of.</p> <p>21 Q Understood. What about Dollar Tree?</p> <p>22 A I quit there too actually.</p> <p>23 Q Where did you work after Dollar Tree?</p> <p>24 A That's when I got the interview with Isaac</p> <p>25 after that. No, I'm sorry, that's not true. I</p>

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<p style="text-align: right;">33</p> <p>1 L. Stidhum</p> <p>2 actually worked at Marco LaGuardia Hotel.</p> <p>3 Q Hotel?</p> <p>4 A Yes.</p> <p>5 Q What position did you work?</p> <p>6 A Housekeeping.</p> <p>7 Q That was at the airport?</p> <p>8 A No. That's right here off of Main Street,</p> <p>9 Northern Boulevard.</p> <p>10 Q Is that close to where you lived at the</p> <p>11 time?</p> <p>12 A Yes.</p> <p>13 Q Is that close to where you live now?</p> <p>14 A Pretty much. Ten-minute drive.</p> <p>15 Q Do you remember the month and year you</p> <p>16 started working at the hotel?</p> <p>17 A I don't. I didn't stay there very long.</p> <p>18 Q After the hotel is when you first started</p> <p>19 working for Hillside Auto Outlet, correct?</p> <p>20 A Correct.</p> <p>21 Q You started working at Hillside Auto</p> <p>22 Outlet in May of '18, correct?</p> <p>23 A Yes.</p> <p>24 Q Hillside Auto Outlet was the first -- was</p> <p>25 the first automobile business that you ever worked</p>	<p style="text-align: right;">34</p> <p>1 L. Stidhum</p> <p>2 in, correct?</p> <p>3 A Yes.</p> <p>4 Q Therefore, you had no experience in the</p> <p>5 automobile industry prior to that time, correct?</p> <p>6 A Correct.</p> <p>7 Q You worked at Hillside Auto Outlet from</p> <p>8 May of '18 until January of '19, correct?</p> <p>9 A Right.</p> <p>10 Q Although you are also suing Hillside Auto</p> <p>11 Mall, you never directly worked at Hillside Auto</p> <p>12 Mall as an employee, correct?</p> <p>13 A I kind of need that question clarified</p> <p>14 because I have sold cars at Hillside Auto Mall.</p> <p>15 Q Let me try. I'm going to give you a very</p> <p>16 long question of what I understand to be the case</p> <p>17 and you will confirm what's accurate and what's not,</p> <p>18 okay?</p> <p>19 A Okay.</p> <p>20 Q You came to work as a salesperson for</p> <p>21 Hillside Auto Outlet and worked at Hillside Auto</p> <p>22 Outlet and was paid by Hillside Auto Outlet from May</p> <p>23 of '18 until January of '19. However, during the</p> <p>24 time that you worked at Hillside Auto Outlet, you</p> <p>25 sometimes sold vehicles that were kept or maintained</p>
<p style="text-align: right;">35</p> <p>1 L. Stidhum</p> <p>2 by Hillside Auto Mall; is that correct?</p> <p>3 A Yes.</p> <p>4 Q During the time you worked at Hillside</p> <p>5 Auto Outlet, you sometimes sold vehicles located at</p> <p>6 other dealerships unrelated to Hillside Auto Outlet</p> <p>7 or Hillside Auto Mall, correct?</p> <p>8 A Yes.</p> <p>9 Q You're not alleging that those other</p> <p>10 dealerships that you sold vehicles for are also an</p> <p>11 employer here, correct?</p> <p>12 A Right, because from my understanding</p> <p>13 Hillside Auto Outlet and Mall were kind of run by</p> <p>14 the same people.</p> <p>15 Q That's the reason you included Hillside</p> <p>16 Auto Mall in this case, correct?</p> <p>17 A Right.</p> <p>18 Q Because, as your understanding, they are</p> <p>19 what we call in legal parlance, joint employers,</p> <p>20 correct?</p> <p>21 A I'm sorry, one more time.</p> <p>22 MR. KATAEV: Read it back.</p> <p>23 (Whereupon, the referred to question was read back</p> <p>24 by the reporter.)</p> <p>25 MS. TROY: Objection to the extent it</p>	<p style="text-align: right;">36</p> <p>1 L. Stidhum</p> <p>2 calls for a legal conclusion.</p> <p>3 BY MR. KATAEV:</p> <p>4 Q You can answer. Go ahead.</p> <p>5 A I'm not sure.</p> <p>6 Q Okay, that's fine. Your employment with</p> <p>7 Hillside Auto Outlet ended in January of '19,</p> <p>8 correct?</p> <p>9 A Correct.</p> <p>10 Q That's because you quit, correct?</p> <p>11 A Yes.</p> <p>12 Q During the time you worked at Hillside</p> <p>13 Auto Outlet, your sole position or job title was</p> <p>14 salesperson, correct?</p> <p>15 A Right.</p> <p>16 Q Your primary responsibility was selling</p> <p>17 cars, correct?</p> <p>18 A Right.</p> <p>19 Q Any other responsibilities that you had?</p> <p>20 A Um, not necessarily responsibilities, no.</p> <p>21 Q Who were your supervisors while you worked</p> <p>22 at Hillside Auto Outlet?</p> <p>23 A Isaac was one, Jay or Jenneque, she was</p> <p>24 another for a short period of time, a couple of</p> <p>25 months. Andris Guzman and that was about it as far</p>

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<p style="text-align: right;">37</p> <p>1 L. Stidhum</p> <p>2 as supervisors, yes.</p> <p>3 Q Can you describe basically what your</p> <p>4 compensation structure was there?</p> <p>5 A So in the beginning when I was first hired</p> <p>6 after interviewing with Isaac and speaking with</p> <p>7 Jenneque, I was told I would be paid \$300 weekly,</p> <p>8 \$150 flat, and after anything over \$3,000 I would</p> <p>9 receive 5 percent, and it is reflected on my</p> <p>10 paystubs for the first couple of months up until Jay</p> <p>11 was fired or quit. I don't know what happened in</p> <p>12 that situation. Then, I started just receiving the</p> <p>13 \$150 flat.</p> <p>14 Q Let's say the schedule that you worked was</p> <p>15 generally Monday to Friday, correct?</p> <p>16 A No.</p> <p>17 Q What was your schedule like?</p> <p>18 A So I had Wednesdays off and we would work</p> <p>19 alternating Sundays.</p> <p>20 Q You either worked five days a week or six</p> <p>21 days?</p> <p>22 A Correct.</p> <p>23 Q And so do you know what the actual work</p> <p>24 week was? Did they do it Monday through Sunday or</p> <p>25 did they do it Saturday through Friday?</p>	<p style="text-align: right;">38</p> <p>1 L. Stidhum</p> <p>2 A I have no idea. I know that I received my</p> <p>3 check Thursdays.</p> <p>4 Q The check that you received on Thursdays</p> <p>5 was for the entire prior week, correct, whatever the</p> <p>6 week was?</p> <p>7 A Yes.</p> <p>8 Q How did you go about verifying that you</p> <p>9 got paid properly on any given week?</p> <p>10 A So weekly we would get a form that has</p> <p>11 like three pieces together, so -- for copies, and we</p> <p>12 would have to turn it into the sales manager and</p> <p>13 they would give it to the girl who does the payroll.</p> <p>14 Q Who was that?</p> <p>15 A There was a couple. From the beginning,</p> <p>16 it was -- I can't remember who it was in the</p> <p>17 beginning. I know it ended with Denise doing my</p> <p>18 payroll, Denise and Iris. There was a couple of</p> <p>19 people in between.</p> <p>20 Q Does Dianna Jennings ring a bell?</p> <p>21 A No.</p> <p>22 Q Dina Jennings?</p> <p>23 A Dina, I didn't really meet because she was</p> <p>24 hardly ever there. I've probably seen her three or</p> <p>25 four times.</p>
<p style="text-align: right;">39</p> <p>1 L. Stidhum</p> <p>2 Q Let's break down the compensation. \$300 a</p> <p>3 week is the flat \$300 a week, right?</p> <p>4 A Salary.</p> <p>5 Q The \$150 per car is for every car you</p> <p>6 sold, correct?</p> <p>7 A Yes.</p> <p>8 Q In order for the car to be considered</p> <p>9 sold, it had to be delivered, right?</p> <p>10 A Right.</p> <p>11 Q Which means the customer took possession</p> <p>12 of the vehicle and all the funds had been received</p> <p>13 from the bank and all of that, right?</p> <p>14 A I mean yes and no because there would be</p> <p>15 times that I would still get paid on all the cars</p> <p>16 even if it was not funded. It's a yes-and-no</p> <p>17 answer.</p> <p>18 Q In terms of getting paid for vehicles that</p> <p>19 were not funded, did it sometimes happen that you</p> <p>20 did not get paid on a vehicle that hasn't been</p> <p>21 funded yet?</p> <p>22 A One more time.</p> <p>23 Q Was it sometimes the case that a vehicle</p> <p>24 was not funded and you didn't get paid on it?</p> <p>25 A Yes. That happened a couple of times but</p>	<p style="text-align: right;">40</p> <p>1 L. Stidhum</p> <p>2 relatively quickly with the funding, they would do a</p> <p>3 pretty good job of that.</p> <p>4 Q They would like to take care of you while</p> <p>5 you worked there, correct?</p> <p>6 MS. TROY: Objection to form.</p> <p>7 Q You can answer.</p> <p>8 A I guess.</p> <p>9 Q When they paid you for a vehicle that</p> <p>10 hasn't been funded yet, they did so in their</p> <p>11 discretion, correct?</p> <p>12 A It would be something that I wasn't aware</p> <p>13 of. It might have happened, it might have happened.</p> <p>14 I'm not sure. I'm not looking at the back end of</p> <p>15 the dealership.</p> <p>16 Q You don't care whether it's funded or not,</p> <p>17 you want to get your commission, right?</p> <p>18 A Of course.</p> <p>19 Q How would you keep track of the vehicles</p> <p>20 that you sold in any given week?</p> <p>21 A With that same form. I would do that</p> <p>22 monthly.</p> <p>23 Q Did you ever take pictures of that form on</p> <p>24 your cellphone?</p> <p>25 A No, because I would have the copies so it</p>

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<p style="text-align: right;">41</p> <p>1 L. Stidhum</p> <p>2 wasn't something that I really needed to take</p> <p>3 pictures of.</p> <p>4 Q Have you produced those copies in this</p> <p>5 case?</p> <p>6 A No, because I don't think anybody plans to</p> <p>7 be mistreated or anything like that to hold on to</p> <p>8 stuff like that.</p> <p>9 Q What you're saying is you never held on to</p> <p>10 those documents?</p> <p>11 A No. After I would get paid, I would</p> <p>12 discard them.</p> <p>13 Q The reason you discarded them was because</p> <p>14 you were satisfied that you were properly paid,</p> <p>15 correct?</p> <p>16 A I don't know how to answer that question.</p> <p>17 Q Answer to the best of your ability.</p> <p>18 A I mean, if I'm getting paid on the deal</p> <p>19 there is no reason for me to hold on to it.</p> <p>20 Q You threw it out because you were</p> <p>21 satisfied that you were properly paid, right?</p> <p>22 MS. TROY: Objection. Argumentative.</p> <p>23 Q You can answer.</p> <p>24 MS. TROY: Objection. Asked and answered.</p> <p>25 Q I would like to hear the answer.</p>	<p style="text-align: right;">42</p> <p>1 L. Stidhum</p> <p>2 MS. TROY: Because you don't like the</p> <p>3 answer doesn't mean you can ask it again. The</p> <p>4 witness can answer again.</p> <p>5 BY MR. KATAEV:</p> <p>6 Q Go ahead.</p> <p>7 A I'm sorry.</p> <p>8 Q The reason why you threw out the document</p> <p>9 was because you were satisfied that you were paid</p> <p>10 properly, correct?</p> <p>11 A Yes, up until I was owed money. Up until</p> <p>12 I was shorted on my commissions.</p> <p>13 Q How did you come to be aware that you were</p> <p>14 owed money or that you were short on the</p> <p>15 commissions?</p> <p>16 A Because I know what I'm owed to start. I</p> <p>17 would know how many cars I would sell weekly and</p> <p>18 what I'm owed weekly. Again, I was getting paid</p> <p>19 that \$150 flat so it wasn't something that -- it</p> <p>20 wasn't a mystery to solve. Of course I know what</p> <p>21 I'm looking forward to expecting especially upon</p> <p>22 leaving somewhere.</p> <p>23 Q Going through the 5 percent bonus, can you</p> <p>24 explain that in your own words?</p> <p>25 A It wasn't a 5 percent bonus. It was</p>
<p style="text-align: right;">43</p> <p>1 L. Stidhum</p> <p>2 anything paid over -- any deal that made over \$3,000</p> <p>3 because at 5 percent, \$3,000 would be \$150.</p> <p>4 Anything that made over that, I was receiving that</p> <p>5 extra compensation up until Jay was fired and it</p> <p>6 does reflect it on my paystubs.</p> <p>7 Q Jay is the person that you referred to as</p> <p>8 Jenneque, correct?</p> <p>9 A Yes.</p> <p>10 Q So when you say \$3,000, you're saying</p> <p>11 that's what the vehicle sold for?</p> <p>12 A No. That's what the deal made.</p> <p>13 Q The gross profit?</p> <p>14 A Right.</p> <p>15 Q When is it that Jay was no longer at the</p> <p>16 company?</p> <p>17 A I'm not quite sure. It had to be at the</p> <p>18 end of July or sometime in August. It was sometime</p> <p>19 in the summer I remember.</p> <p>20 Q At some point after July or August of</p> <p>21 2018, you no longer got that 5 percent, correct?</p> <p>22 A Correct.</p> <p>23 Q You continued your employment with the</p> <p>24 dealership, correct?</p> <p>25 A Yes.</p>	<p style="text-align: right;">44</p> <p>1 L. Stidhum</p> <p>2 Q Did anyone inform you they are no longer</p> <p>3 offering the 5 percent in July or August?</p> <p>4 A No.</p> <p>5 Q Did you come to anyone and say, What</p> <p>6 happened to the 5 percent?</p> <p>7 A I did mention it and it was kind of</p> <p>8 brushed off.</p> <p>9 Q Who did you mention it to?</p> <p>10 A Isaac.</p> <p>11 Q What did Isaac say to you?</p> <p>12 A I don't recall.</p> <p>13 MR. KATAEV: Off the record.</p> <p>14 (Whereupon, an off-the-record discussion was held.)</p> <p>15 BY MR. KATAEV:</p> <p>16 Q You testified that you quit in January of</p> <p>17 '19, right?</p> <p>18 A Correct.</p> <p>19 Q What was the reason that you quit?</p> <p>20 A It was a combination of things between the</p> <p>21 pregnancy discrimination, being owed money and not</p> <p>22 paid it. It was a couple of things. Also, I was</p> <p>23 promised a position that I guess I wasn't receiving</p> <p>24 due to my pregnancy, so like I said, it was a</p> <p>25 combination of things.</p>

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<p style="text-align: right;">45</p> <p>1 L. Stidhum</p> <p>2 Q We are going to get into the pregnancy</p> <p>3 discrimination position you talked about a little</p> <p>4 later. I want to focus on the compensation aspect</p> <p>5 and I have some more granular questions about your</p> <p>6 decision to quit related to those financial aspects</p> <p>7 so I'm going to focus in on that for now.</p> <p>8 A Okay.</p> <p>9 Q Did you quit because you stopped receiving</p> <p>10 the 5 percent?</p> <p>11 A No.</p> <p>12 Q Did you quit because of waiting times?</p> <p>13 A Yes. That's what one of the factors.</p> <p>14 Q Tell me about the waiting times?</p> <p>15 A So like I mentioned a couple of times, I</p> <p>16 did have my own access to Dealertrack and once Isaac</p> <p>17 did go on vacation, the password was changed and</p> <p>18 Guzman was the supervising manager at the time and</p> <p>19 he refused to give it to me. So that did increase</p> <p>20 my waiting times because I was not able to qualify</p> <p>21 my customers on my own and they would leave.</p> <p>22 Q Assuming you were able to qualify your</p> <p>23 customers, that doesn't necessarily mean you would</p> <p>24 make the sale, correct?</p> <p>25 A Right.</p>	<p style="text-align: right;">46</p> <p>1 L. Stidhum</p> <p>2 Q It only increased the chances of making</p> <p>3 the sale, correct?</p> <p>4 A Not necessarily increases it, but it gives</p> <p>5 me the opportunity to see who I'm wasting time on</p> <p>6 and who I'm not wasting time on. We were in Jamaica</p> <p>7 so we would get a lot of customers that did not</p> <p>8 qualify.</p> <p>9 Me having my own access to Isaac's</p> <p>10 Dealertrack would give me the ability to qualify my</p> <p>11 customers on my own rather than waste time on</p> <p>12 somebody and wait on Andris or Isaac or whoever to</p> <p>13 check the credit.</p> <p>14 MR. KATAEV: Can I have the last question</p> <p>15 and answer read back?</p> <p>16 (Whereupon, the referred to testimony was read back</p> <p>17 by the reporter.)</p> <p>18 BY MR. KATAEV:</p> <p>19 Q You acknowledge, however, that you were</p> <p>20 the only salesperson that had access to Dealertrack</p> <p>21 to qualify individuals, correct?</p> <p>22 A Yes.</p> <p>23 Q All the other salespeople did not have</p> <p>24 that ability that you did for some time, correct?</p> <p>25 A That I know of at least.</p>
<p style="text-align: right;">47</p> <p>1 L. Stidhum</p> <p>2 Q Generally, it was the responsibility of an</p> <p>3 F&I manager or someone else in the dealership, other</p> <p>4 than a salesperson, to qualify individuals, correct?</p> <p>5 A Not just an F&I. The general manager or</p> <p>6 sales manager, I don't know their titles exactly,</p> <p>7 but they have access as well.</p> <p>8 Q Those individuals are not salespeople,</p> <p>9 correct?</p> <p>10 A Right.</p> <p>11 Q You say that you obtained access to</p> <p>12 Dealertrack, right?</p> <p>13 A I was given it, yes.</p> <p>14 Q Who gave it to you?</p> <p>15 A Isaac.</p> <p>16 Q How did he give it to you?</p> <p>17 A Honestly, I don't remember because, like I</p> <p>18 said, the password would be changed after a certain</p> <p>19 period of time because it's sensitive information.</p> <p>20 They would change the password, but he would put it</p> <p>21 on a sticky note or he would come to my desk and</p> <p>22 type in the password himself. He was the only one</p> <p>23 giving me the password.</p> <p>24 Q The username for the Dealertrack account,</p> <p>25 whose was it?</p>	<p style="text-align: right;">48</p> <p>1 L. Stidhum</p> <p>2 A It was Isaac's. I never had anybody</p> <p>3 else's.</p> <p>4 Q You didn't have your own, correct?</p> <p>5 A I did not.</p> <p>6 Q After you quit working at Hillside Auto</p> <p>7 Outlet, where did you work next?</p> <p>8 A NYC Motor Cars.</p> <p>9 Q Where is that?</p> <p>10 A Queens Boulevard.</p> <p>11 Q Did you start working there in January of</p> <p>12 '19 or some other point?</p> <p>13 A I'm not sure if I waited until the start</p> <p>14 of February or not, so I'm not 100 percent sure. It</p> <p>15 was definitely early that year.</p> <p>16 Q In January or February of '19, correct?</p> <p>17 A Probably more towards the end of January</p> <p>18 or beginning of February.</p> <p>19 Q In order to begin a job there, you had to</p> <p>20 fill out an employment application?</p> <p>21 A I actually did not.</p> <p>22 Q 1,000 percent sure you didn't?</p> <p>23 A An application?</p> <p>24 MS. TROY: Objection as to form.</p> <p>25 Q You can answer.</p>

12 (Pages 45 to 48)

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<p style="text-align: right;">49</p> <p>1 L. Stidhum</p> <p>2 MS. TROY: What do you mean by</p> <p>3 1,000 percent sure? Objection to form.</p> <p>4 MR. KATAEV: I'm not going to qualify that</p> <p>5 with a response. You can answer the question.</p> <p>6 MS. TROY: Rephrase your question, sir.</p> <p>7 BY MR. KATAEV:</p> <p>8 Q Please answer the question as asked.</p> <p>9 A Repeat it.</p> <p>10 Q Are you 1,000 percent sure you did not</p> <p>11 fill out any employment application at NYC Motor</p> <p>12 Cars?</p> <p>13 A I don't remember filling one out. I was</p> <p>14 brought there by a sales manager that Isaac had</p> <p>15 working with him.</p> <p>16 Q Who was that?</p> <p>17 A Ali.</p> <p>18 Q When you say you can't remember, you can't</p> <p>19 remember one way or the other, correct?</p> <p>20 A What do you mean?</p> <p>21 Q You can't remember whether you did fill</p> <p>22 out an employment application or not?</p> <p>23 A Right. I was brought there by someone</p> <p>24 else. He was kind of like, You don't have to be</p> <p>25 interviewed, you don't have to do this, just come.</p>	<p style="text-align: right;">50</p> <p>1 L. Stidhum</p> <p>2 Q Do you know Ali's full name?</p> <p>3 A I'm not sure how to spell it. Ali</p> <p>4 Raskesnia, something like that.</p> <p>5 Q When you started working at NYC Motor</p> <p>6 Cars, it was a new dealership?</p> <p>7 A Not that I know of.</p> <p>8 Q Was your compensation structure there the</p> <p>9 same as it was at Hillside Auto Outlet?</p> <p>10 A No.</p> <p>11 Q What was the compensation structure there?</p> <p>12 A The commission was doubled.</p> <p>13 Q In other words, it was \$300 per car?</p> <p>14 A Yes.</p> <p>15 Q It was the same \$300 weekly draw?</p> <p>16 A Yes. Not draw, it was salary.</p> <p>17 Q Thank you for clarifying. There was no</p> <p>18 5 percent bonus?</p> <p>19 A No, but I did have a monthly bonus</p> <p>20 structure.</p> <p>21 Q Based on volume, correct?</p> <p>22 A Correct.</p> <p>23 Q When did you stop working at NYC Motor</p> <p>24 Cars?</p> <p>25 A When I gave birth.</p>
<p style="text-align: right;">51</p> <p>1 L. Stidhum</p> <p>2 Q When was that?</p> <p>3 A In July. I stayed, like, a week up until</p> <p>4 I gave birth so maybe July of 20-something.</p> <p>5 Q 2020?</p> <p>6 A 2019.</p> <p>7 Q I see what you're saying. 20-something</p> <p>8 meaning the day?</p> <p>9 A Yes.</p> <p>10 Q Congratulations by the way.</p> <p>11 A Thanks.</p> <p>12 Q You were there at NYC Motor Cars for</p> <p>13 approximately six months, correct?</p> <p>14 A Right, and I did go back.</p> <p>15 Q When did you return?</p> <p>16 A I want to say like October, September,</p> <p>17 October around there.</p> <p>18 Q Are you still employed there?</p> <p>19 A No, I'm not.</p> <p>20 Q When did you cease working there?</p> <p>21 A About a month or two after I actually left</p> <p>22 because the store was completely different,</p> <p>23 employees were different, it was not doing the</p> <p>24 volume it was and I became a BDC manager at Luxury</p> <p>25 Motor Club.</p>	<p style="text-align: right;">52</p> <p>1 L. Stidhum</p> <p>2 Q Business development center?</p> <p>3 A Yes.</p> <p>4 Q You ceased working at NYC Motor Cars in or</p> <p>5 about November or December of 2019, correct?</p> <p>6 A Yes.</p> <p>7 Q You quit?</p> <p>8 A I'm sorry?</p> <p>9 Q You quit?</p> <p>10 A Yes, I did.</p> <p>11 Q You went to Luxury?</p> <p>12 A Motor Club.</p> <p>13 Q Where is that?</p> <p>14 A In Franklin Square.</p> <p>15 Q How did you obtain the position there?</p> <p>16 A Probably on Indeed or something. Some</p> <p>17 type of employment ad.</p> <p>18 Q When did you start there?</p> <p>19 A Mid November of 2019.</p> <p>20 Q Are you still working there?</p> <p>21 A No, I'm not.</p> <p>22 Q When did you stop working there?</p> <p>23 A When Covid hit. March, early March. I</p> <p>24 got Covid really bad. I decided to leave and not</p> <p>25 get my kids sick.</p>

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<p style="text-align: right;">53</p> <p>1 L. Stidhum</p> <p>2 Q Did you return to the workforce after</p> <p>3 March 2020?</p> <p>4 A I did.</p> <p>5 Q When was that?</p> <p>6 A Actually, the owner of NYC Motor Cars</p> <p>7 called me that he was opening a new store so I don't</p> <p>8 remember the exact time, but he told me he was</p> <p>9 opening a new store and he wanted me to run the</p> <p>10 store that I worked at on Queens Boulevard. I don't</p> <p>11 remember the exact month and date.</p> <p>12 Q If I understand correctly, the owner of</p> <p>13 NYC Motor Cars was opening a new store and needed</p> <p>14 your help with his existing store at NYC Motor Cars?</p> <p>15 A Correct.</p> <p>16 Q Did you go back to NYC Motor Cars?</p> <p>17 A I did as a sales manager.</p> <p>18 Q Do you remember what month in 2020 it was?</p> <p>19 A I don't. It was probably maybe late</p> <p>20 April, early May, around there.</p> <p>21 Q That's fine. Are you still there?</p> <p>22 A No, I'm not.</p> <p>23 Q When did you stop work there?</p> <p>24 A I don't remember the exact timeframe. I'm</p> <p>25 not sure. I was trying to think.</p>	<p style="text-align: right;">54</p> <p>1 L. Stidhum</p> <p>2 Q Where are you working now?</p> <p>3 A I'm not working.</p> <p>4 Q When did you stop working?</p> <p>5 A I gave birth last year. I took off pretty</p> <p>6 much since January of last year.</p> <p>7 Q January of 2022?</p> <p>8 A Right. I did work at a dealership for a</p> <p>9 couple of weeks. It didn't work out. It was super</p> <p>10 slow.</p> <p>11 Q Which dealership was that?</p> <p>12 A Great Neck Motor Sports.</p> <p>13 Q Is that on Great Neck Road?</p> <p>14 A Yes.</p> <p>15 MR. KATAEV: Off the record.</p> <p>16 (Whereupon, an off-the-record discussion was held.)</p> <p>17 BY MR. KATAEV:</p> <p>18 Q Other than the last job at NYC Motor Cars</p> <p>19 as a sales manager and the job at Great Neck Motor</p> <p>20 Sports, did you work anywhere else after April of</p> <p>21 2020?</p> <p>22 A Yes, I did. NY Luxury Motors, but again</p> <p>23 it was a bad situation there. It was in a bad spot</p> <p>24 and the dealership wasn't getting any traffic at</p> <p>25 all, so I decided to leave and look for other</p>
<p style="text-align: right;">55</p> <p>1 L. Stidhum</p> <p>2 employment elsewhere.</p> <p>3 Q Were you fired from any of these jobs we</p> <p>4 talked about today?</p> <p>5 A No, I was not.</p> <p>6 Q At any of these jobs, did you ever fill</p> <p>7 out any employment application?</p> <p>8 A For Luxury Motor Club, I definitely did.</p> <p>9 Great Neck, I definitely did. The only one I can't</p> <p>10 recall is NYC Motor Cars because Ali was the one who</p> <p>11 brought me there, I don't remember. Everywhere else</p> <p>12 I did fill out an employment application.</p> <p>13 Q Whenever you filled out an employment</p> <p>14 application, you did list Hillside Auto Outlet as a</p> <p>15 past experience, correct?</p> <p>16 A Of course.</p> <p>17 Q The only reason there are gaps in your</p> <p>18 work experience is because of the birth of your two</p> <p>19 children, correct?</p> <p>20 A Right, and Covid.</p> <p>21 Q When you applied for a position at</p> <p>22 Hillside Auto Outlet it was for a salesperson,</p> <p>23 correct?</p> <p>24 A Right.</p> <p>25 Q How was it you learned about the position?</p>	<p style="text-align: right;">56</p> <p>1 L. Stidhum</p> <p>2 A I believe it was Craigslist and I got a</p> <p>3 call the next day.</p> <p>4 Q You called based on the Craigslist ad?</p> <p>5 A No. I sent in my application and got a</p> <p>6 phonecall the next day. Not my application, my</p> <p>7 resume.</p> <p>8 Q When you got the call the next day, do you</p> <p>9 remember who it was?</p> <p>10 A Isaac.</p> <p>11 Q To the best of your recollection, how did</p> <p>12 the conversation go?</p> <p>13 A I don't remember. He told me to come in,</p> <p>14 if I can come in the same day and I was kind of</p> <p>15 bummed about losing my job -- not losing my job,</p> <p>16 leaving my job at the hotel and I wanted to get a</p> <p>17 job so bad, so I went the same day that he called</p> <p>18 and got the job.</p> <p>19 Q You met with Isaac in person that day?</p> <p>20 A Yes.</p> <p>21 Q What do you recall about your conversation</p> <p>22 with Isaac in person that day?</p> <p>23 A Honestly, I don't remember. I remember</p> <p>24 him saying that he was willing to give me a shot and</p> <p>25 to wait for his partner and then I spoke with Jay.</p>

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<p style="text-align: right;">57</p> <p>1 L. Stidhum</p> <p>2 Q When you refer to his partner, that was</p> <p>3 Jenneque?</p> <p>4 A Yes.</p> <p>5 Q You also spoke with Jenneque that day?</p> <p>6 A Yes, I did.</p> <p>7 Q You got the job the same day?</p> <p>8 A Right.</p> <p>9 Q An interview took place at the dealership,</p> <p>10 correct?</p> <p>11 A Yes.</p> <p>12 Q At Hillside Auto Outlet, correct?</p> <p>13 A Yes.</p> <p>14 Q What is your understanding as to the basis</p> <p>15 for which you got hired?</p> <p>16 A What do you mean by that?</p> <p>17 Q Why do you believe you were hired?</p> <p>18 A I'm not sure.</p> <p>19 Q As far as you understood it, Isaac and/or</p> <p>20 Jenneque together made a decision to hire you,</p> <p>21 correct?</p> <p>22 A I mean, Isaac already told me he was</p> <p>23 willing to give me a shot and it was more like a</p> <p>24 meeting Jay type of thing.</p> <p>25 Q At the time you were hired, Andris Guzman</p>	<p style="text-align: right;">58</p> <p>1 L. Stidhum</p> <p>2 was not an employee of the dealership yet, correct?</p> <p>3 A He was.</p> <p>4 Q He did not participate in the decision to</p> <p>5 hire you, as far as you know, correct?</p> <p>6 A No, he did not.</p> <p>7 Q You know that for a fact or it's as far as</p> <p>8 you know?</p> <p>9 A It's as far as I know.</p> <p>10 Q He did not interview you, correct?</p> <p>11 A No.</p> <p>12 Q At the time that you were hired, Jory did</p> <p>13 not participate in the decision to hire you,</p> <p>14 correct?</p> <p>15 A No.</p> <p>16 Q Jory was not present daily at the</p> <p>17 dealership, correct?</p> <p>18 A Yes.</p> <p>19 Q Was Jory ever present at the dealership?</p> <p>20 A He was. He would pop in a couple of times</p> <p>21 a month.</p> <p>22 Q Same question for Ron: As far as you</p> <p>23 know, he did not participate in the decision to hire</p> <p>24 you, correct?</p> <p>25 A No.</p>
<p style="text-align: right;">59</p> <p>1 L. Stidhum</p> <p>2 Q Was Ronald ever present at the dealership?</p> <p>3 A Again, same thing. Yes, here and there.</p> <p>4 Q During the times that Jory and/or Ron</p> <p>5 would visit the dealership, did you interact with</p> <p>6 either of them?</p> <p>7 A Yes.</p> <p>8 Q What was the nature of your interaction</p> <p>9 with them?</p> <p>10 A It was more of how we were doing, how</p> <p>11 things were going.</p> <p>12 Q Pleasantries?</p> <p>13 A Pretty much.</p> <p>14 Q Do you recall receiving a written offer of</p> <p>15 employment when you were hired?</p> <p>16 A No, I did not.</p> <p>17 Q Did you start work the same day you were</p> <p>18 hired?</p> <p>19 A I'm not 100 percent sure. I want to say</p> <p>20 yes, but I'm not sure.</p> <p>21 Q To whom did you report as soon as you</p> <p>22 started working?</p> <p>23 A What do you mean to who did I report?</p> <p>24 Q As a salesperson, you reported to someone</p> <p>25 higher, correct?</p>	<p style="text-align: right;">60</p> <p>1 L. Stidhum</p> <p>2 A Right. Mostly I would go to Isaac or Jay,</p> <p>3 when I first started there at least.</p> <p>4 Q You did not report to Andris Guzman at the</p> <p>5 time, correct?</p> <p>6 A Not that I can really recall. Up until</p> <p>7 Jay leaving, he didn't do too much.</p> <p>8 Q Jay left in July or August of?</p> <p>9 A 2018.</p> <p>10 Q After July or August of 2018 is when you</p> <p>11 started reporting to Andris Guzman; is that right?</p> <p>12 A Correct.</p> <p>13 Q You never reported to Jory, correct?</p> <p>14 A Not on that aspect. Only when there was</p> <p>15 an issue.</p> <p>16 Q Give me an example.</p> <p>17 A Like, when I was missing some of my car</p> <p>18 pay, I did reach out to him, I called him and sent</p> <p>19 him a text message as well.</p> <p>20 Q That was in January of '19 before you</p> <p>21 quit, correct?</p> <p>22 A Correct.</p> <p>23 Q Other than that --</p> <p>24 A No, I'm sorry. It was probably after I</p> <p>25 quit, once I didn't receive the compensation after</p>

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<p style="text-align: right;">61</p> <p>1 L. Stidhum</p> <p>2 telling Isaac.</p> <p>3 Q In January of '19, correct?</p> <p>4 A Right.</p> <p>5 Q Other than that, you never interacted with</p> <p>6 him other than pleasantries, correct?</p> <p>7 A For Jory, yes, that's pretty much it.</p> <p>8 Q What about Ronald, you never reported to</p> <p>9 him, correct?</p> <p>10 A Right.</p> <p>11 Q You had no interactions with him other</p> <p>12 than pleasantries, correct?</p> <p>13 A And about the bonus situation.</p> <p>14 Q When did you reach out to Ron about the</p> <p>15 bonus situation?</p> <p>16 A I didn't reach out to him. He was in the</p> <p>17 store. He came in, asked how everyone was doing, he</p> <p>18 looked really happy. I mentioned -- I don't know</p> <p>19 how I worded it, but I mentioned I was pissed</p> <p>20 because I didn't get the bonus and I was only a</p> <p>21 couple of cars away, and that I was really hoping to</p> <p>22 get it because I was pregnant and stuff. That's</p> <p>23 when whatever conversation happened between him and</p> <p>24 Isaac happened. I don't know what happened after</p> <p>25 that.</p>	<p style="text-align: right;">62</p> <p>1 L. Stidhum</p> <p>2 Q Do you remember when that was, month and</p> <p>3 year?</p> <p>4 A Early December or the last two days of</p> <p>5 November, something like that. It had to be the end</p> <p>6 of November or early December.</p> <p>7 Q After Jenneque left, you started reporting</p> <p>8 to Andris Guzman. What was the nature of the</p> <p>9 working relationship? What did you report to him</p> <p>10 on?</p> <p>11 A So up until I got my own access --</p> <p>12 actually, I feel like it was right about the same</p> <p>13 time because Jay was pretty quick with what she</p> <p>14 would do. For the first couple of days, I had to go</p> <p>15 to him, give him the application, have him run the</p> <p>16 credit and let me know if the customer qualified or</p> <p>17 whatever the case may be. That was pretty much it</p> <p>18 up until I got my own access, then we really didn't</p> <p>19 have to do too much communicating.</p> <p>20 Q From the first time you started working at</p> <p>21 the dealership initially in order to get financing,</p> <p>22 you would have to go to Jay in order to run credit</p> <p>23 and apply for financing, correct?</p> <p>24 A Right. I mean, I was new to the business</p> <p>25 so I don't know much about those things up until I</p>
<p style="text-align: right;">63</p> <p>1 L. Stidhum</p> <p>2 was taught it.</p> <p>3 Q Fair enough. When Jay left, you continued</p> <p>4 doing that with Andris, correct?</p> <p>5 A Right.</p> <p>6 Q Let's set aside for now the Dealertrack.</p> <p>7 I have some questions about this process before you</p> <p>8 got the Dealertrack access.</p> <p>9 When you worked with Jay to get these</p> <p>10 financing applications in, was Jay the exclusive,</p> <p>11 only person that did this?</p> <p>12 A No.</p> <p>13 Q Sometimes you worked with others, correct?</p> <p>14 A Yes. Isaac would do it as well.</p> <p>15 Q Other than Isaac and Jay, was there anyone</p> <p>16 else that did it?</p> <p>17 A Later on there was a finance manager hired</p> <p>18 after Jay left.</p> <p>19 Q Who was that?</p> <p>20 A Serge.</p> <p>21 Q Serge came on after?</p> <p>22 A Yes.</p> <p>23 Q After Jay left?</p> <p>24 A Yes.</p> <p>25 Q In the beginning, it was Isaac or Jay and</p>	<p style="text-align: right;">64</p> <p>1 L. Stidhum</p> <p>2 that's it, correct?</p> <p>3 A Correct.</p> <p>4 Q How did you go about deciding who to go</p> <p>5 to?</p> <p>6 A Whoever was less busy. I was always</p> <p>7 trying to grab whoever I could. Whoever was less</p> <p>8 busy is who I would go to.</p> <p>9 Q After Jay left, you had the option of</p> <p>10 Andris or Isaac, correct?</p> <p>11 A Right, and I would choose Isaac more of</p> <p>12 the time because he was quicker. Andris was getting</p> <p>13 trained to do that part. Once Jay left, he was kind</p> <p>14 of taking over her position.</p> <p>15 Q Jay left in August or July of '18. Do you</p> <p>16 remember in relation to that when Serge started?</p> <p>17 A It had to be like end of August because I</p> <p>18 remember there was a couple of people that came to</p> <p>19 interview and stuff so it had to be after but I'm</p> <p>20 not sure exact dates.</p> <p>21 Q Whenever you went to Isaac or Jay in the</p> <p>22 beginning to run financing applications for</p> <p>23 customers of the dealership, prospective customers</p> <p>24 of the dealership, there would sometimes be delays</p> <p>25 caused because the banks wanted more information,</p>

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<p style="text-align: right;">65</p> <p>1 L. Stidhum</p> <p>2 correct?</p> <p>3 A Yes and no.</p> <p>4 Q Explain.</p> <p>5 A I mean, when it comes to any delays in</p> <p>6 banks, it would be because of a document that they</p> <p>7 needed, but for the most part, you would have all</p> <p>8 the documents. It was in our sales procedure to get</p> <p>9 ID, the most recent two paystubs and that proof of</p> <p>10 address if needed. It's kind of hard to answer that</p> <p>11 question because, for the most part, they would have</p> <p>12 everything needed.</p> <p>13 Q To the extent a customer did not have</p> <p>14 something that was needed, that would delay the</p> <p>15 process, correct?</p> <p>16 A Yes.</p> <p>17 Q Is it not true that sometimes individuals</p> <p>18 are self-employed and don't necessarily have things</p> <p>19 like paystubs?</p> <p>20 A Of course.</p> <p>21 MS. TROY: Objection. Argumentive.</p> <p>22 Q You can answer.</p> <p>23 A I mean, yeah.</p> <p>24 Q In those situations when you submit the</p> <p>25 applications there would be a delay, correct?</p>	<p style="text-align: right;">66</p> <p>1 L. Stidhum</p> <p>2 A Yes.</p> <p>3 Q The only way to prevent the delay from</p> <p>4 being further delayed is to obtain whatever the</p> <p>5 document is and submit it to the bank, correct?</p> <p>6 MS. TROY: Objection to form.</p> <p>7 Q You can answer.</p> <p>8 A One more time, your question.</p> <p>9 MR. KATAEV: Read it back.</p> <p>10 (Whereupon, the referred to question was read back</p> <p>11 by the reporter.)</p> <p>12 A Yes.</p> <p>13 Q Sometimes the customer would not have that</p> <p>14 information handy the same day, correct?</p> <p>15 A Yes.</p> <p>16 Q Sometimes the customer would never return</p> <p>17 with the information at all, correct?</p> <p>18 A Correct.</p> <p>19 Q This rings true from the beginning when</p> <p>20 you worked with Jay and Isaac, to the end when you</p> <p>21 were working with Andris, Isaac and Serge, correct?</p> <p>22 A Right.</p> <p>23 Q Towards the end of your employment</p> <p>24 relationship with Hillside Auto Outlet, you had the</p> <p>25 ability to go to either Isaac, Andris or Serge to</p>
<p style="text-align: right;">67</p> <p>1 L. Stidhum</p> <p>2 run financing applications, correct?</p> <p>3 A Correct.</p> <p>4 Q You're telling me that Andris was the</p> <p>5 individual who caused you purposefully to wait</p> <p>6 longer than everyone else, correct?</p> <p>7 A I'm sorry. I got to run back a little</p> <p>8 bit. Serge would not run credit. He would if he</p> <p>9 was not busy, but for the most part, it was the</p> <p>10 sales manager or the general manager's job to run</p> <p>11 the credit and follow up with the customer prior to</p> <p>12 giving it to the finance manager to not waste his</p> <p>13 time.</p> <p>14 So, yeah, Serge did not run the</p> <p>15 credit. It was mostly up to Isaac and Guzman to run</p> <p>16 the credit because Serge would really just submit</p> <p>17 the deal to the banks.</p> <p>18 Q Understood. What you're saying generally</p> <p>19 is that, in terms of who you could go to after Jay</p> <p>20 left, it was really just Isaac and/or Andris,</p> <p>21 correct?</p> <p>22 A Yes.</p> <p>23 Q It was very rare that Serge would run the</p> <p>24 credit?</p> <p>25 A Yes.</p>	<p style="text-align: right;">68</p> <p>1 L. Stidhum</p> <p>2 Q Okay.</p> <p>3 MR. KATAEV: Can we have the original</p> <p>4 question read back?</p> <p>5 MS. TROY: For the record, Mr. Kataev has</p> <p>6 been coughing throughout this morning.</p> <p>7 MR. KATAEV: It's a moot point. You don't</p> <p>8 need to make these stupid things on the record.</p> <p>9 MS. TROY: I don't appreciate you calling</p> <p>10 my stuff stupid.</p> <p>11 MR. KATAEV: You achieved what you wanted.</p> <p>12 We are in a remote deposition. What is the</p> <p>13 point? Don't interrupt the deposition.</p> <p>14 MS. TROY: I was concerned for my client</p> <p>15 and my health, and it was perfectly valid</p> <p>16 because you told me you'd be asymptomatic by</p> <p>17 Friday.</p> <p>18 MR. KATAEV: I said other than a minor</p> <p>19 cough, but it's a moot point. Please don't</p> <p>20 interrupt my deposition.</p> <p>21 (Whereupon, the referred to question was read back</p> <p>22 by the reporter.)</p> <p>23 A Yes. Isaac left probably the first week</p> <p>24 of December, something like that so yes, that's</p> <p>25 partially the reason why I had extended wait times</p>

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<p style="text-align: right;">69</p> <p>1 L. Stidhum</p> <p>2 because he did not want to give me the access I had</p> <p>3 before.</p> <p>4 Q Isaac never caused you to wait longer like</p> <p>5 Andris did, correct?</p> <p>6 A Correct.</p> <p>7 Q Neither did Serge in the rare circumstance</p> <p>8 when you would go to him, correct?</p> <p>9 A Correct.</p> <p>10 Q Your complaint says that the only</p> <p>11 reason -- withdrawn.</p> <p>12 Your complaint says that Andris only</p> <p>13 caused you to wait longer to run the financing</p> <p>14 applications after you had disclosed to him and</p> <p>15 others that you were pregnant, correct?</p> <p>16 A That's how it seemed, yes.</p> <p>17 Q When you disclosed to individuals that you</p> <p>18 were pregnant, you did so at the dealership,</p> <p>19 correct?</p> <p>20 A Yes.</p> <p>21 Q Who was present when you told everyone the</p> <p>22 great news?</p> <p>23 A I mean, all the salespeople were present.</p> <p>24 I was a few minutes late, I remember that because I</p> <p>25 came in and everyone was there and I was waving my</p>	<p style="text-align: right;">70</p> <p>1 L. Stidhum</p> <p>2 sonogram picture around. I don't remember if Isaac</p> <p>3 was there when I got there and said it or not, but I</p> <p>4 know definitely Guzman was there and I did tell</p> <p>5 Isaac later that day when he came in for sure.</p> <p>6 Q I want to understand. When you first said</p> <p>7 it, who was immediately in your circle or presence?</p> <p>8 A Guzman was there because he would sit at</p> <p>9 the podium so he was front and center. David was</p> <p>10 there, I remember Sean being there, he was another</p> <p>11 salesperson, the other David, I don't remember his</p> <p>12 last name, I believe it starts with a P. I don't</p> <p>13 believe Serge was there just yet. He usually came a</p> <p>14 little later. I'm not sure if Isaac was there yet</p> <p>15 but I know that same day I did show him the</p> <p>16 sonogram.</p> <p>17 Q When you made that announcement, did</p> <p>18 Andris say anything to you?</p> <p>19 A I don't recall.</p> <p>20 Q Do you recall him saying congratulations?</p> <p>21 A I don't.</p> <p>22 Q Do you recall anyone else saying</p> <p>23 congratulations?</p> <p>24 A Yes. The other salespeople were looking</p> <p>25 at it together. Everybody was, like, excited for</p>
<p style="text-align: right;">71</p> <p>1 L. Stidhum</p> <p>2 me, I guess I could say.</p> <p>3 Q Did Andris make any statements at all</p> <p>4 during that conversation?</p> <p>5 A I honestly don't think so. He didn't have</p> <p>6 much personality, I want to say. I don't feel like</p> <p>7 he said anything to me.</p> <p>8 Q Prior to the time that you announced your</p> <p>9 pregnancy to him and to the others, did you and</p> <p>10 Andris have any interpersonal conflicts with each</p> <p>11 other?</p> <p>12 A Honestly, yes, we did, but it was -- we</p> <p>13 kept it professional. We worked in a professional</p> <p>14 environment. We kept it professional.</p> <p>15 Q What was the nature of the interpersonal</p> <p>16 conflict that you had?</p> <p>17 A Honestly, I don't remember.</p> <p>18 Q It was all work-related, of course?</p> <p>19 A Yes.</p> <p>20 Q Maybe you had some disagreement or</p> <p>21 argument about something relating to a sale,</p> <p>22 correct?</p> <p>23 A Yes, definitely work-related. Nothing</p> <p>24 personal, I don't think.</p> <p>25 Q Did any of your interpersonal conflicts</p>	<p style="text-align: right;">72</p> <p>1 L. Stidhum</p> <p>2 with each other rise to a level at any point before</p> <p>3 you announced your pregnancy where someone else had</p> <p>4 to get involved and mediate you two?</p> <p>5 A Not that I recall, no.</p> <p>6 Q Whatever happened between you two, you</p> <p>7 sort of water-under-the-bridge type of thing?</p> <p>8 A Pretty much.</p> <p>9 Q How many times did that happen prior to</p> <p>10 the time that you announced your pregnancy?</p> <p>11 MS. TROY: Objection to form. Ambiguous.</p> <p>12 Q You can answer the question.</p> <p>13 A Honestly, I don't remember. It's probably</p> <p>14 once or twice. Nothing like crazy where we hated</p> <p>15 each other and couldn't speak. It was nothing like</p> <p>16 that.</p> <p>17 Q You had two little squibbles here and</p> <p>18 there?</p> <p>19 A Yes.</p> <p>20 Q Do you recall whether those two incidents</p> <p>21 were close in time to the time that you learned were</p> <p>22 pregnant?</p> <p>23 A I don't remember, no.</p> <p>24 Q It could have been at the beginning, it</p> <p>25 could have been at the middle, or it could have been</p>

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<p style="text-align: right;">73</p> <p>1 L. Stidhum</p> <p>2 towards the end when you learned you were pregnant?</p> <p>3 A As far as after my pregnancy announcement,</p> <p>4 I definitely remember what transpired. In those</p> <p>5 little hiccups we had, I don't remember when, no.</p> <p>6 Q Andris was one who never directly made any</p> <p>7 comments to you about your pregnancy, correct?</p> <p>8 A Not that I remember, no.</p> <p>9 Q In terms of the two incidents you had</p> <p>10 prior to the time you learned you were pregnant, did</p> <p>11 you have similar incidents after the fact?</p> <p>12 MS. TROY: Objection. Ambiguous.</p> <p>13 Q You can answer.</p> <p>14 A I don't recall.</p> <p>15 Q One way or the other, correct?</p> <p>16 MS. TROY: Objection. Ambiguous.</p> <p>17 Q You can answer.</p> <p>18 A I don't know what you mean by, One way or</p> <p>19 the other.</p> <p>20 Q It could have happened that you two had a</p> <p>21 little argument or it could not have happened, you</p> <p>22 don't remember either way?</p> <p>23 A Honestly after announcing my pregnancy,</p> <p>24 there wasn't much arguing. It was more like I was</p> <p>25 doing a lot of crying and upset, so I can't really</p>	<p style="text-align: right;">74</p> <p>1 L. Stidhum</p> <p>2 say that yes one way or the other.</p> <p>3 Q When you say you cried, did you cry</p> <p>4 physically in front of Guzman?</p> <p>5 A Absolutely. Multiple times, and in front</p> <p>6 of Isaac as well.</p> <p>7 Q When you cried in front of Guzman, what</p> <p>8 happened?</p> <p>9 A Nothing, absolutely nothing. He would</p> <p>10 have no emotion.</p> <p>11 Q Did he ask why you were crying?</p> <p>12 A No.</p> <p>13 Q Your job responsibilities at the</p> <p>14 dealership never changed, correct?</p> <p>15 A No.</p> <p>16 Q Are you currently living with the father</p> <p>17 of your children?</p> <p>18 A No.</p> <p>19 Q The father of your children is not in any</p> <p>20 way related to Hillside Auto Outlet, correct?</p> <p>21 A No.</p> <p>22 MS. TROY: We are going to strike any</p> <p>23 irrelevant questions and answers after the</p> <p>24 deposition.</p> <p>25 MR. KATAEV: Feel free to make that motion</p>
<p style="text-align: right;">75</p> <p>1 L. Stidhum</p> <p>2 whenever you're ready, but don't do it during</p> <p>3 the deposition.</p> <p>4 BY MR. KATAEV:</p> <p>5 Q You never had any relationship with Andris</p> <p>6 Guzman outside of work, correct?</p> <p>7 A Absolutely not.</p> <p>8 Q The compensation rate that you had, other</p> <p>9 than the 5 percent bonus after Jay left, remained</p> <p>10 the same, correct?</p> <p>11 A I'm sorry, what was that?</p> <p>12 Q The compensation structure that you</p> <p>13 outlined to me, other than the 5 percent bonus going</p> <p>14 away after Jay left, remained the same, correct?</p> <p>15 A Yes.</p> <p>16 Q You sold a car, you got an extra \$150,</p> <p>17 correct?</p> <p>18 A Yes.</p> <p>19 Q That bonus was not discretionary, correct?</p> <p>20 A No. It took me months to get it.</p> <p>21 MS. TROY: I don't think she understood</p> <p>22 your question honestly.</p> <p>23 Q When you say it took you months to get it,</p> <p>24 what did you mean?</p> <p>25 A It took me months to get a bonus in</p>	<p style="text-align: right;">76</p> <p>1 L. Stidhum</p> <p>2 general.</p> <p>3 Q Right. The 5 percent type of bonus,</p> <p>4 right?</p> <p>5 A No. That wasn't a bonus. That was</p> <p>6 something promised upon being hired. The bonus was</p> <p>7 something that came of the blue because I was, like,</p> <p>8 at 20 cars in the middle of the month and he was</p> <p>9 like, If you hit 30, I will give you an extra</p> <p>10 thousand.</p> <p>11 Q When you say it took you months to get it,</p> <p>12 you mean it was only offered to you after working</p> <p>13 months at the dealership?</p> <p>14 A Correct.</p> <p>15 Q Your duties remained the same from May of</p> <p>16 '18 until January of '19, correct?</p> <p>17 A Yes.</p> <p>18 Q Your pay remained the same except for the</p> <p>19 5 percent issue from May of '18 to January of '19,</p> <p>20 correct?</p> <p>21 MS. TROY: Objection. Asked and answered.</p> <p>22 She may answer again.</p> <p>23 A Yes.</p> <p>24 Q The 5 percent change occurred prior to</p> <p>25 your pregnancy, correct?</p>

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<p style="text-align: right;">77</p> <p>1 L. Stidhum</p> <p>2 A Yes.</p> <p>3 Q Your position remained the same from May</p> <p>4 of '18 until January of '19, correct?</p> <p>5 MS. TROY: Objection to form. Asked and</p> <p>6 answered twice, but she may answer again.</p> <p>7 A Yes.</p> <p>8 Q Were you ever disciplined at Hillside Auto</p> <p>9 Outlet for any work-related issue?</p> <p>10 A No, not that I recall.</p> <p>11 Q Were you ever suspended from work?</p> <p>12 A No, I was not.</p> <p>13 Q Did you ever receive a performance</p> <p>14 evaluation?</p> <p>15 A No.</p> <p>16 Q What was the most number of cars that you</p> <p>17 sold in a given week?</p> <p>18 A I want to say like seven to -- honestly, I</p> <p>19 don't recall but the records will show exactly, but</p> <p>20 I know it was definitely more than seven.</p> <p>21 Q In your understanding, were you in any way</p> <p>22 the top salesperson at the dealership?</p> <p>23 A I was.</p> <p>24 Q At all times?</p> <p>25 A Yes, up until December of 2018.</p>	<p style="text-align: right;">78</p> <p>1 L. Stidhum</p> <p>2 Q When Andris started making you wait longer</p> <p>3 in December of '18, did you confront him about it?</p> <p>4 A Yes, I did. I did ask him why is he</p> <p>5 making my customers wait longer. I would constantly</p> <p>6 press the issue of, What's going on with this</p> <p>7 customer, or he would constantly tell me, You have</p> <p>8 to wait, you have to wait, there's other people</p> <p>9 here, and I'm like, it wasn't like this. These</p> <p>10 people are getting antsy and it happened on multiple</p> <p>11 occasions that I would have these conversations with</p> <p>12 him.</p> <p>13 Q He never said anything to you about your</p> <p>14 pregnancy during those conversations, correct?</p> <p>15 A I mean, not that I can recall. What is</p> <p>16 there to say?</p> <p>17 Q To your knowledge, is Andris Guzman</p> <p>18 married?</p> <p>19 A I have no idea.</p> <p>20 Q To your knowledge, does Andris Guzman have</p> <p>21 children?</p> <p>22 A No clue.</p> <p>23 Q What basis do you have to believe that</p> <p>24 Andris Guzman made you wait longer solely because of</p> <p>25 your pregnancy?</p>
<p style="text-align: right;">79</p> <p>1 L. Stidhum</p> <p>2 A It happened only right after I announced</p> <p>3 my pregnancy, that would be the first reason why,</p> <p>4 and not to mention, like I said before, he was my</p> <p>5 point of contact once Jay was fired so I can tell</p> <p>6 the difference in, you know, from that time and</p> <p>7 after I announced my pregnancy.</p> <p>8 It wasn't -- I had customers waiting</p> <p>9 so long after Jay quit. From that time after my</p> <p>10 pregnancy, I know it's clear as day that that's what</p> <p>11 was going on. I was a top saleswoman at a point and</p> <p>12 I went from being the top salesperson to being the</p> <p>13 one with the least cars out. It doesn't add up.</p> <p>14 Q Isn't it true that December is a slow time</p> <p>15 of the month for selling cars because it's cold out?</p> <p>16 A I wouldn't say because it's cold out. I</p> <p>17 honestly believe we sold a lot of cars, anywhere</p> <p>18 between 45 to 60 cars a month. Sometimes even</p> <p>19 exceeded 65 cars, so it's kind of hard to say</p> <p>20 because if I'm not mistaken, yes, November we sold</p> <p>21 the most cars but the month prior to that we</p> <p>22 probably sold the same amount of cars in that store</p> <p>23 as December.</p> <p>24 Q How would you know or keep track of the</p> <p>25 number of cars sold in total through the dealership?</p>	<p style="text-align: right;">80</p> <p>1 L. Stidhum</p> <p>2 A We had a board in Serge's office that we</p> <p>3 would keep track of how many sales everybody had.</p> <p>4 So each salesperson's name would be up there and we</p> <p>5 would put like a tally mark and keep track of all</p> <p>6 the sales. I always wanted to make sure I was</p> <p>7 number one so I would always be the one keeping</p> <p>8 track of that board.</p> <p>9 Q It's true, isn't it, that prior to your</p> <p>10 pregnancy, Andris Guzman would frequently keep</p> <p>11 customers waiting longer than necessary, correct?</p> <p>12 A I don't believe that to be correct. Isaac</p> <p>13 was every involved and it felt like it was something</p> <p>14 he did once he saw that Isaac wasn't looking over.</p> <p>15 He would always be very active in our daily routine.</p> <p>16 He would ask us, What's going on with this customer,</p> <p>17 greet the customers and do things like that. I</p> <p>18 can't say that that's entirely true, no.</p> <p>19 Q I will place up on the screen what will be</p> <p>20 marked as Defendant's Exhibit 2. I will represent</p> <p>21 to you, Ms. Stidhum, that this is the complaint that</p> <p>22 was filed in this case. I'm going to scroll up to</p> <p>23 show the header of page six for your esteemed</p> <p>24 counsel's edification.</p> <p>25 (Defendant's Exhibit B, Marked for Identification.)</p>

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<p style="text-align: right;">81</p> <p>1 L. Stidhum</p> <p>2 BY MR. KATAEV:</p> <p>3 Q I want to focus your attention on the</p> <p>4 following paragraphs.</p> <p>5 A Can I review the entirety of the document</p> <p>6 before answering anything?</p> <p>7 Q You know what, we can take a break for you</p> <p>8 to do it. Your esteemed lawyer has a copy of the</p> <p>9 complaint, I'm sure. So we are going to take a</p> <p>10 quick break. It's 11:14. We will get back on at</p> <p>11 11:30.</p> <p>12 A Okay.</p> <p>13 Q That way you will be ready to answer any</p> <p>14 questions. I will tell you that my questions, for</p> <p>15 the record, are solely at this point related to</p> <p>16 paragraphs 35 through 38, okay?</p> <p>17 A All right.</p> <p>18 Q I will leave it up on the screen for you.</p> <p>19 MR. KATAEV: We are going to take a break.</p> <p>20 Off the record. Back at 11:30.</p> <p>21 (Whereupon, an off-the-record discussion was held.)</p> <p>22 BY MR. KATAEV:</p> <p>23 Q Back on the record. Ms. Stidhum, welcome</p> <p>24 back. I want to ask you before we get back into the</p> <p>25 questions, during the break, did you have an</p>	<p style="text-align: right;">82</p> <p>1 L. Stidhum</p> <p>2 opportunity to review the complaint in full?</p> <p>3 A Not in full. I skimmed through it.</p> <p>4 Q During this break and the break before</p> <p>5 that, without divulging any of the actual</p> <p>6 conversations you had, did you discuss your</p> <p>7 testimony with your counsel?</p> <p>8 A No.</p> <p>9 Q Okay. My question was: Isn't it true</p> <p>10 that even prior to the time that you disclosed your</p> <p>11 pregnancy, Andris Guzman would take a long time with</p> <p>12 prefilling financing applications for customers?</p> <p>13 A So yes, that is partially true, that's why</p> <p>14 I said that before. He was just getting into Jay's</p> <p>15 role at the dealership so he was still kind learning</p> <p>16 the ropes so that's why Isaac saw I was pretty fast</p> <p>17 with the computer. He sat down with me in his</p> <p>18 office and showed me how to run credit.</p> <p>19 You're transferring information from</p> <p>20 paper to the computer, so he did give me my access</p> <p>21 at that point, but of course over time, we are</p> <p>22 talking four months later that we went back to this.</p> <p>23 Of course over time, Guzman learned how to navigate</p> <p>24 through it a little quicker but at the time I</p> <p>25 announced my pregnancy, it doesn't make sense why he</p>
<p style="text-align: right;">83</p> <p>1 L. Stidhum</p> <p>2 would backtrack, if you get what I'm saying.</p> <p>3 Q I understand that. That's a fair</p> <p>4 explanation. It's true, is it not, that throughout</p> <p>5 the time once Guzman learned how to do everything</p> <p>6 properly, he generally would take 20 minutes to</p> <p>7 handle these applications?</p> <p>8 A More or less.</p> <p>9 Q Your complaint is that after you disclosed</p> <p>10 your pregnancy, it would take anywhere from 40 to 60</p> <p>11 minutes, correct?</p> <p>12 A Right or longer.</p> <p>13 Q You allege in your complaint that as a</p> <p>14 result of the longer wait times that we just</p> <p>15 discussed, most of your customers would walk out and</p> <p>16 not complete their purchase, correct?</p> <p>17 A Yes.</p> <p>18 Q How do you know that it's because of the</p> <p>19 wait times that they decided to walk out?</p> <p>20 A Generally, we are the ones who would go</p> <p>21 back to them and tell them, You don't qualify, or</p> <p>22 You need X amount of dollars down or you can't get</p> <p>23 this car, you would need that car. It would be a</p> <p>24 conversation between the sales manager and the</p> <p>25 salesperson.</p>	<p style="text-align: right;">84</p> <p>1 L. Stidhum</p> <p>2 They wouldn't really want to jump</p> <p>3 into the deal unless they had to, so it's like, I</p> <p>4 wouldn't get to speak to my sales manager or if I'm</p> <p>5 like, Hey, hold on, my sales manager got something,</p> <p>6 at this point, they are frustrated, they are walking</p> <p>7 out the door.</p> <p>8 Q Did any customers actually tell you, We</p> <p>9 don't want to purchase anything from you because it</p> <p>10 took you to long to get back to us?</p> <p>11 A Yes, it happened a couple of times.</p> <p>12 Q Do you remember the names of any of those</p> <p>13 individuals?</p> <p>14 A I don't. I have gone through hundreds,</p> <p>15 maybe thousands of customers, I don't.</p> <p>16 Q Are you familiar with the lead management</p> <p>17 system at the dealership?</p> <p>18 A Lead management system? The CRM that was</p> <p>19 used?</p> <p>20 Q CRM meaning customer relationship</p> <p>21 management, right?</p> <p>22 A Yes.</p> <p>23 Q You're familiar with that program?</p> <p>24 A Yes.</p> <p>25 Q That program is used to track every single</p>

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<p style="text-align: right;">85</p> <p>1 L. Stidhum</p> <p>2 potential customer that comes in and whether or not</p> <p>3 it results in a sale, correct?</p> <p>4 A Not necessarily correct. The business</p> <p>5 development center would focus on their appointments</p> <p>6 because that's what they're paid on. They are not</p> <p>7 paid on walk-in customers, so any walk-in customers</p> <p>8 are not all accounted for. I can't say that's</p> <p>9 completely true.</p> <p>10 Q How many walk-in customers in a month do</p> <p>11 you think come in that are not accounted for?</p> <p>12 A Honestly, Saturdays or the weekend were</p> <p>13 our busiest time because we on a main strip,</p> <p>14 Hillside has a bunch of dealerships. I would say</p> <p>15 it's like a 40/60 or 50/50 because that weekend</p> <p>16 volume is equivalent to the whole week's worth of</p> <p>17 volume. I can't really say how many customers.</p> <p>18 It was almost equal because of where</p> <p>19 we were. Location is everything in this business.</p> <p>20 We had dealerships in front of us, beside us, down</p> <p>21 the street from us. We would have customers leaving</p> <p>22 one spot to come to us that didn't have an</p> <p>23 appointment. I can't put a number on it.</p> <p>24 Q Your testimony today is that walk-ins were</p> <p>25 not accounted for in the CRM system?</p>	<p style="text-align: right;">86</p> <p>1 L. Stidhum</p> <p>2 A Not every single one. Sometimes they</p> <p>3 would log them in, sometimes I would not see them</p> <p>4 logged in.</p> <p>5 Q What be the reason for not logging someone</p> <p>6 in versus logging them in?</p> <p>7 A I can't say. I didn't work in that</p> <p>8 department. I would say it's laziness.</p> <p>9 Q Are you speaking from your subsequent</p> <p>10 experience as a BDC manager?</p> <p>11 A Yes.</p> <p>12 Q Paragraph 53 of the complaint, you said in</p> <p>13 December and January of '18 and '19, you would</p> <p>14 constantly call Guzman to ask how long customers</p> <p>15 would wait; do you see that?</p> <p>16 A Yes.</p> <p>17 Q When you say call, do you mean physically</p> <p>18 with the cellphone?</p> <p>19 A No. I mean call over to him. He was at a</p> <p>20 podium. Our desks were diagonal from each other.</p> <p>21 Q What would happen when you would ask</p> <p>22 Guzman how long?</p> <p>23 A He would tell me I would have to wait,</p> <p>24 that there are other customers here.</p> <p>25 Q Did you observe at the same time that this</p>
<p style="text-align: right;">87</p> <p>1 L. Stidhum</p> <p>2 was happening that Andris Guzman would help a</p> <p>3 different salespeople out and provide information?</p> <p>4 A Yes. There was multiple occasions where I</p> <p>5 would see that a customer came in after my customer</p> <p>6 and he still hasn't touched the application or the</p> <p>7 folder was still sitting up top.</p> <p>8 Q With which salespeople did that occur with</p> <p>9 that you can recall?</p> <p>10 A It happened with Sean because me and Sean</p> <p>11 were kind of, I wouldn't say on the same level. He</p> <p>12 was a little bit of my competition at a point. And</p> <p>13 David Parsons, and David Manrique also witnessed it</p> <p>14 because he was selling more cars than me, and he was</p> <p>15 kind of not the best salesperson, I would say. He</p> <p>16 was always second-to-last or last. It was something</p> <p>17 that everybody kind of witnessed.</p> <p>18 Q During this time, Isaac was out on a</p> <p>19 month-long vacation?</p> <p>20 A Correct.</p> <p>21 Q That's the reason why you couldn't go to</p> <p>22 Isaac to assist you with certain applications,</p> <p>23 correct?</p> <p>24 A Yes.</p> <p>25 Q Did you attempt to go to Serge to run</p>	<p style="text-align: right;">88</p> <p>1 L. Stidhum</p> <p>2 applications instead of with Andris Guzman?</p> <p>3 A Yes, I did. It's -- kind of plays each</p> <p>4 other hand in hand because Guzman's job was to run</p> <p>5 the credit and if Serge was overwhelmed, he would</p> <p>6 submit the application. So whatever credit that</p> <p>7 Guzman did run was already at Serge, and he's like,</p> <p>8 I'm busy, I can't do this right now, you have to</p> <p>9 give it to Guzman, you have to wait on Guzman, so</p> <p>10 that's what I had to do.</p> <p>11 Q Whenever a sale was made, you would</p> <p>12 receive a commission, correct?</p> <p>13 A Yes.</p> <p>14 Q To your knowledge, similarly, Serge would</p> <p>15 also receive a commission, right?</p> <p>16 A Yes.</p> <p>17 Q To your knowledge, what about Guzman, was</p> <p>18 he not also entitled to a commission?</p> <p>19 A He was.</p> <p>20 Q Is it your testimony that Andris Guzman</p> <p>21 purposely made you wait such that he suffered and</p> <p>22 didn't get commissions on sales?</p> <p>23 MS. TROY: Objection. Argumentative.</p> <p>24 Q You can answer.</p> <p>25 A Honestly, it's hard to answer that because</p>

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<p style="text-align: right;">89</p> <p>1 L. Stidhum</p> <p>2 it's, like, I can't really understand why he would</p> <p>3 put himself in that position either because one</p> <p>4 person wins, we all win. He didn't really care. He</p> <p>5 took on whoever he felt he wanted to take on first.</p> <p>6 Q Do you believe that he prioritized other</p> <p>7 salespeople over yours because he felt that those</p> <p>8 customers that those salespeople had were more</p> <p>9 qualified?</p> <p>10 A It's hard to answer that question. There</p> <p>11 is no way to qualify a customer by looking at them.</p> <p>12 If he's not running my credit, how is he going to</p> <p>13 make that argument?</p> <p>14 Q Isn't it true that sometimes people who</p> <p>15 work at dealerships stereotype customers and make</p> <p>16 assumptions about their creditworthiness by looking</p> <p>17 at them?</p> <p>18 A As being in a sales manager position, I</p> <p>19 learned that that's not the way to properly manage.</p> <p>20 I have seen people come in raggedy with 800 credit</p> <p>21 scores and \$10,000 to put down on a car, and some</p> <p>22 people that dressed flashy and don't have anything</p> <p>23 or don't even have a piece of credit. I can't make</p> <p>24 that argument because, as a sales manager in</p> <p>25 previous dealerships, I would never do that.</p>	<p style="text-align: right;">90</p> <p>1 L. Stidhum</p> <p>2 Q You have seen other people make those</p> <p>3 stereotypes, correct?</p> <p>4 A Again, I can't really say yes or no.</p> <p>5 Q Fair enough. You spoke with Isaac when he</p> <p>6 returned from vacation in January of '19?</p> <p>7 A Yes.</p> <p>8 Q What was your conversation with him? What</p> <p>9 did you say to him and what did he say to you?</p> <p>10 A I told him what was going on. I showed</p> <p>11 him the amounts of cars I have out and he didn't</p> <p>12 really understand what was going on either. And I</p> <p>13 was promised that when he would return that I was</p> <p>14 going to be promoted to sales manager, so I was</p> <p>15 trying to hang in there.</p> <p>16 So when he came, I did ask him, I was</p> <p>17 like, Look, if you have no desire promoting me as</p> <p>18 sales manager, then I don't really feel that I want</p> <p>19 to work here anymore unless you're going to give me</p> <p>20 more of my commission and not put me as a sales</p> <p>21 manager, and he kind of didn't have any answer for</p> <p>22 it, he said we would talk about it later.</p> <p>23 At that point, I was tired of being</p> <p>24 given the runaround and not making money. As a</p> <p>25 pregnant woman and being 19 years old, it's hard to</p>
<p style="text-align: right;">91</p> <p>1 L. Stidhum</p> <p>2 be put in that position and not be scared. Like, I</p> <p>3 was 19 years old having my first kid and I'm getting</p> <p>4 played at this place I thought I was going to grow</p> <p>5 with. I can't really -- it didn't make sense for me</p> <p>6 to stay there any longer at that point.</p> <p>7 Q To your knowledge, is Andris Guzman still</p> <p>8 employed at this dealership?</p> <p>9 A I have no idea. I don't speak to them.</p> <p>10 Q To clarify, your testimony as to the basis</p> <p>11 for your belief that Andris Guzman made you wait</p> <p>12 longer solely because of your pregnancy was just</p> <p>13 because it happened that you waited longer after you</p> <p>14 disclosed your pregnancy than before, correct?</p> <p>15 A I'm sorry, one more time.</p> <p>16 MR. KATAEV: Read it back, please.</p> <p>17 (Whereupon, the referred to question was read back</p> <p>18 by the reporter.)</p> <p>19 MS. TROY: Objection to form.</p> <p>20 BY MR. KATAEV:</p> <p>21 Q You can answer.</p> <p>22 A That's not correct. There is more to it.</p> <p>23 It wasn't just the longer wait period. He obviously</p> <p>24 had Isaac's access to Dealertrack as well and he</p> <p>25 refused to give me the password. Like, he didn't</p>	<p style="text-align: right;">92</p> <p>1 L. Stidhum</p> <p>2 feel the need to, and not to mention the decrease in</p> <p>3 my sales played a part in Isaac not wanting to</p> <p>4 promote me to sales manager as well. It goes hand</p> <p>5 in hand as to why I believe it was pregnancy</p> <p>6 discrimination.</p> <p>7 Q You're alleging, as far as I understand,</p> <p>8 that Andris Guzman was the only person who</p> <p>9 discriminated against you based on your pregnancy,</p> <p>10 correct?</p> <p>11 MS. TROY: Objection. Calls for a legal</p> <p>12 conclusion.</p> <p>13 A Not really. I do believe Isaac kind of</p> <p>14 discriminated against me as well by not promoting</p> <p>15 me. It is what it is at that point, but he did not</p> <p>16 do anything to fix the issue. He did not -- the</p> <p>17 promotion can be taken away from anyone so I can't</p> <p>18 hold it to that, but I do believe it had something</p> <p>19 to do with my pregnancy as well because it was</p> <p>20 something I was promised and was working towards</p> <p>21 getting.</p> <p>22 I texted him while he was on</p> <p>23 vacation. He responded but told me he would handle</p> <p>24 it at a later time which I get it, you're on</p> <p>25 vacation with your family.</p>

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<p style="text-align: right;">93</p> <p>1 L. Stidhum</p> <p>2 Q With respect to the promotion, when was</p> <p>3 the first time that was a discussion?</p> <p>4 A It was sometime in November. We were</p> <p>5 talking about it because he was preparing for us for</p> <p>6 his vacation for a month. He was kind of the dad of</p> <p>7 the dealership so he was watching over everything,</p> <p>8 he made sure everything stayed afloat.</p> <p>9 It was definitely sometime in</p> <p>10 November and he told me when he got back, we would</p> <p>11 discuss it and go over what exactly was going to</p> <p>12 happen at that point, but this is way before the</p> <p>13 pregnancy discrimination and everything.</p> <p>14 Q This is before the pregnancy announcement?</p> <p>15 A Right.</p> <p>16 Q Who was the sales manager at that time?</p> <p>17 A It was -- at that time, it was kind of</p> <p>18 weird because Guzman was the sales manager slash</p> <p>19 finance or whatever, he was kind of doing both.</p> <p>20 It's a hard question to answer because then he</p> <p>21 brought in Ali while he was gone. It was just a</p> <p>22 mess. I can't really answer that question</p> <p>23 truthfully. It was Guzman and Ali for a short</p> <p>24 period of time.</p> <p>25 Q And so the discussion was that when Isaac</p>	<p style="text-align: right;">94</p> <p>1 L. Stidhum</p> <p>2 returned in January of '19, there would be</p> <p>3 discussion about who is going to fill the role of</p> <p>4 sales manager, correct?</p> <p>5 A Pretty much.</p> <p>6 Q Was the discussion that you would</p> <p>7 definitely become sales manager?</p> <p>8 A Yes. It wasn't a discussion of who would</p> <p>9 fill the role. It was him telling me he was going</p> <p>10 to make me the sales manager and that was pretty</p> <p>11 much his purpose of showing me how to run credit and</p> <p>12 read credit because he was the one that told me how</p> <p>13 to do both. It's a whole bunch of numbers and</p> <p>14 lines. It's not something that you can understand.</p> <p>15 Q When Isaac returned in January of '19,</p> <p>16 what was the next discussion had about the sales</p> <p>17 manager position?</p> <p>18 A I told him if he had no desire to promote</p> <p>19 me, then I wanted a raise or I would leave because I</p> <p>20 was offered that position by Ali making double the</p> <p>21 commission.</p> <p>22 Q What did he say in response?</p> <p>23 A I don't recall. I remember him saying we</p> <p>24 will talk about more at a later time. I was fed up</p> <p>25 at that point because how much more time do you want</p>
<p style="text-align: right;">95</p> <p>1 L. Stidhum</p> <p>2 me to waste not making money.</p> <p>3 Q The truth is you didn't wait for a</p> <p>4 decision, correct?</p> <p>5 A It felt like his answer was kind of clear</p> <p>6 as day. If he wanted to give me that position, he</p> <p>7 would have given it to me at that point.</p> <p>8 Q He didn't expressly tell you, I'm not</p> <p>9 giving you the position, correct?</p> <p>10 A I don't recall.</p> <p>11 MR. KATAEV: Off the record.</p> <p>12 (Whereupon, an off-the-record discussion was held.)</p> <p>13 BY MR. KATAEV:</p> <p>14 Q We are going to continue.</p> <p>15 Andris Guzman did not have any</p> <p>16 authority to discipline you in any way, correct?</p> <p>17 A Not that I know of.</p> <p>18 Q Andris Guzman did not have the power to</p> <p>19 fire you, correct?</p> <p>20 A Not that I know of.</p> <p>21 Q Andris Guzman did not have the power to</p> <p>22 change your pay, correct?</p> <p>23 A No.</p> <p>24 Q Andris Guzman did not have the power to</p> <p>25 change the terms and conditions of your employment,</p>	<p style="text-align: right;">96</p> <p>1 L. Stidhum</p> <p>2 correct?</p> <p>3 A No.</p> <p>4 Q Okay. Did you ever tell Andris Guzman, I</p> <p>5 think you're doing this because I'm pregnant?</p> <p>6 A I want to say yes, if I'm remembering</p> <p>7 correctly. I do believe I made that statement, yes.</p> <p>8 Q What was his response?</p> <p>9 A Honestly, he was a very unemotional</p> <p>10 person. Like, he would look at you with blank eyes.</p> <p>11 I don't believe I got any response out of him.</p> <p>12 Q That's the way he was towards everybody,</p> <p>13 correct?</p> <p>14 A Yes, for the most part.</p> <p>15 Q Was anyone else present when you</p> <p>16 confronted him?</p> <p>17 A I don't recall.</p> <p>18 Q Did you confront him at the podium?</p> <p>19 A Most likely.</p> <p>20 Q Did you complain to Isaac that you felt</p> <p>21 that the actions being taken against you were</p> <p>22 because of your pregnancy?</p> <p>23 A I'm not sure if I used the words to my</p> <p>24 pregnancy, but I told him that ever since I</p> <p>25 announced it, that this -- XY and Z has been</p>

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<p style="text-align: right;">97</p> <p>1 L. Stidhum</p> <p>2 happening.</p> <p>3 Q What was his response?</p> <p>4 A Honestly, I don't remember. I feel like</p> <p>5 it was more of, We will talk when I get back, and no</p> <p>6 talk happened.</p> <p>7 Q What about the fact that you had to wait</p> <p>8 longer for applications to be done makes you believe</p> <p>9 it was discriminatory?</p> <p>10 A I'm sorry, one more time.</p> <p>11 Q What about the fact that you had to wait</p> <p>12 longer for certain customer applications made you</p> <p>13 believe it was discriminatory?</p> <p>14 A Like I said before, I worked with him for</p> <p>15 months now and I have seen, you know, his growth in</p> <p>16 the business, I have seen when he was not very good</p> <p>17 and very, very slow. Like, I watched him grow in</p> <p>18 the business so for him to backtrack after my</p> <p>19 announcement it doesn't really make any sense.</p> <p>20 Q Did anyone at Hillside Auto Outlet make</p> <p>21 any statements to you that you believe suggest</p> <p>22 discrimination?</p> <p>23 A Yes. Ali and David and actually, I did</p> <p>24 have somebody working there at the time who was a</p> <p>25 friend of mine who would always try to calm me down</p>	<p style="text-align: right;">98</p> <p>1 L. Stidhum</p> <p>2 when I would get upset or cry about the situation.</p> <p>3 And she was like, Yeah, ever since this happened and</p> <p>4 ever since you announced your pregnancy, this has</p> <p>5 been going on.</p> <p>6 Q What is that person's name?</p> <p>7 A Brianna.</p> <p>8 Q What did Ali say to you that made you</p> <p>9 believe it was a suggestion of discrimination?</p> <p>10 A He was kind of telling me about this</p> <p>11 position he was offering so I didn't have to deal</p> <p>12 with this.</p> <p>13 Q Other than that, anything else?</p> <p>14 A Not that I can recall. It was more him</p> <p>15 telling me that I wouldn't have to deal with these</p> <p>16 types of things.</p> <p>17 Q What about David Manrique?</p> <p>18 A He told me that it's clear, because I</p> <p>19 mean, his numbers were where my numbers usually were</p> <p>20 so it's clear what was going on. He actually</p> <p>21 thought that it may be a strategy to get me out</p> <p>22 sooner because they knew I would not be able to work</p> <p>23 at a certain point.</p> <p>24 Q Why do you believe the dealership cared</p> <p>25 that you wouldn't be able to work at a certain</p>
<p style="text-align: right;">99</p> <p>1 L. Stidhum</p> <p>2 point?</p> <p>3 A I was bringing in the most numbers. We</p> <p>4 hit milestones that they never hit before me working</p> <p>5 there. They sold more cars than they sold prior to</p> <p>6 me working there.</p> <p>7 Q As a business, wouldn't the dealership</p> <p>8 want to maximize the amount of sales before you</p> <p>9 left?</p> <p>10 MS. TROY: Objection. Argumentative.</p> <p>11 Q You can answer.</p> <p>12 MS. TROY: Rephrase your question.</p> <p>13 Q I'm not rephrasing. You can answer.</p> <p>14 A One more time.</p> <p>15 MR. KATAEV: Read it back.</p> <p>16 (Whereupon, the referred to question was read back</p> <p>17 by the reporter.)</p> <p>18 A Of course. I would believe that too but</p> <p>19 again, it's not something that was done by the whole</p> <p>20 dealership. It was something done by an individual,</p> <p>21 so I mean, it was more of a personal thing against</p> <p>22 me while being pregnant.</p> <p>23 Q And personal on whose part, Andris</p> <p>24 Guzman's, right?</p> <p>25 A Right, and also not to mention there was</p>	<p style="text-align: right;">100</p> <p>1 L. Stidhum</p> <p>2 somebody who was working there that was pregnant in</p> <p>3 the DMV department and she was pregnant and she was</p> <p>4 probably there not even a week after -- let me</p> <p>5 rephrase that.</p> <p>6 She left maybe a week or even sooner</p> <p>7 than a week of me working there, after me working</p> <p>8 there, and I remember her storming out upset, so I</p> <p>9 have reason to believe this might be a strategy used</p> <p>10 to get out pregnant women.</p> <p>11 Q What was that employee's name?</p> <p>12 A Lily. I don't remember her last name.</p> <p>13 Q What about Brianna, did she make any</p> <p>14 statements that you believe suggested</p> <p>15 discrimination?</p> <p>16 A Brianna was more a comforting friend,</p> <p>17 like, I think this is going on because you're</p> <p>18 pregnant. Maybe they want to get somebody else in</p> <p>19 to fill your place and stuff like that.</p> <p>20 Q You realize that one you gave birth and</p> <p>21 went out on leave, the dealership would hire a</p> <p>22 salesperson to take your place during that time?</p> <p>23 A Of course. That's why it doesn't make</p> <p>24 sense to me why things would go this way.</p> <p>25 Q You're saying that Andris Guzman was</p>

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<p style="text-align: right;">101</p> <p>1 L. Stidhum</p> <p>2 behind all of this?</p> <p>3 A Yes, and partially Isaac as well.</p> <p>4 Q Are there any documents that you believe</p> <p>5 suggest discrimination?</p> <p>6 A I mean, it's more verbal so I can't say</p> <p>7 documents besides my paystub that show the decrease</p> <p>8 in pay of four to \$500 a week.</p> <p>9 Q Any other documents?</p> <p>10 A Not that I can think of.</p> <p>11 Q Why do you believe the paystubs suggest</p> <p>12 discrimination?</p> <p>13 A It shows a drastic decrease in my pay.</p> <p>14 Q You're saying that your paystubs show</p> <p>15 consistent amounts and they don't fluctuate up and</p> <p>16 down?</p> <p>17 A Not necessarily consistent, that's not</p> <p>18 what I said. It's within those timeframes I did --</p> <p>19 my pay did drop. Of course the first couple of</p> <p>20 months I was still getting the hang of things and</p> <p>21 learning the ropes. In between that time, I was</p> <p>22 capitalizing at being a salesperson. It was most</p> <p>23 money I ever made at that time.</p> <p>24 Q We are going to get into the paystubs.</p> <p>25 Was there any other event or</p>	<p style="text-align: right;">102</p> <p>1 L. Stidhum</p> <p>2 circumstance that you believe was discriminatory?</p> <p>3 A There was more than one instance where I</p> <p>4 had to say something to Guzman about my customers'</p> <p>5 waiting and stuff like that. This is years ago, so</p> <p>6 I can't say word for word.</p> <p>7 Q I understand. Other than what you</p> <p>8 testified about so far, can you identify all the</p> <p>9 other times that you claim you were discriminated</p> <p>10 against?</p> <p>11 MS. TROY: Excuse me, sorry.</p> <p>12 MR. KATAEV: Read it back, please.</p> <p>13 (Whereupon, the referred to question was read back</p> <p>14 by the reporter.)</p> <p>15 A Again, it wasn't something -- it was more</p> <p>16 work-related than anything. The longer wait times</p> <p>17 is not something that I can pinpoint.</p> <p>18 Q Is it fair to say that the complaint lists</p> <p>19 all instances of discrimination against you?</p> <p>20 A No.</p> <p>21 Q Same question with respect to your</p> <p>22 interrogatory responses?</p> <p>23 A I'm sorry.</p> <p>24 Q Fair to say that your interrogatory</p> <p>25 responses list all instances of discrimination</p>
<p style="text-align: right;">103</p> <p>1 L. Stidhum</p> <p>2 against you?</p> <p>3 A No, because I mean, it's a general period</p> <p>4 so I can't say that everything is written there.</p> <p>5 Q Do you believe that you were treated less</p> <p>6 favorably than other employees?</p> <p>7 A At that point, yes.</p> <p>8 Q That's even though you were given special</p> <p>9 access to Dealertrack that no other salesperson was?</p> <p>10 MS. TROY: Objection. Argumentative.</p> <p>11 Q You can answer.</p> <p>12 A Repeat the question.</p> <p>13 (Whereupon, the referred to question was read back</p> <p>14 by the reporter.)</p> <p>15 A So I mean, of course up until my</p> <p>16 announcement, yes. It's not just that Dealertrack</p> <p>17 was taken away. It was the decrease in my pay.</p> <p>18 MR. KATAEV: Let the record reflect that</p> <p>19 every time Plaintiff's counsel has objected, I</p> <p>20 observe a lot of glances towards the screen and</p> <p>21 other indications that there is something going</p> <p>22 on.</p> <p>23 MS. TROY: Objection to that whole line.</p> <p>24 MR. KATAEV: If it's found that</p> <p>25 Plaintiff's counsel is coaching the witness by</p>	<p style="text-align: right;">104</p> <p>1 L. Stidhum</p> <p>2 typing instructions or answers on the screen</p> <p>3 during the deposition, an appropriate motion</p> <p>4 will be made to sanction Plaintiff and her</p> <p>5 counsel. I'm warning you if that's what you're</p> <p>6 doing, please stop. I will obtain the forensic</p> <p>7 evidence to prove it.</p> <p>8 MS. TROY: I'm going to object to that</p> <p>9 whole line of instruction. Completely</p> <p>10 inappropriate.</p> <p>11 MR. KATAEV: I will be making an</p> <p>12 appropriate application for forensic evidence.</p> <p>13 The judge will not be pleased by what is found</p> <p>14 on that computer because nothing you delete</p> <p>15 from there is actually deleted. I'm just</p> <p>16 letting you know.</p> <p>17 MS. TROY: Again, I object to that whole</p> <p>18 line.</p> <p>19 MR. KATAEV: Okay.</p> <p>20 My client has observed this multiple</p> <p>21 times and has noted it in notes to me, and I have</p> <p>22 observed it myself just now. I'm warning you,</p> <p>23 Counsel, if you're typing notes to her on the</p> <p>24 screen, stop doing that. It's not allowed.</p> <p>25 MS. TROY: I'm not doing that.</p>

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<p style="text-align: right;">105</p> <p>1 L. Stidhum</p> <p>2 MR. KATAEV: Good.</p> <p>3 Read back the last question.</p> <p>4 (Whereupon, the referred to question was read back</p> <p>5 by the reporter.)</p> <p>6 BY MR. KATAEV:</p> <p>7 Q You admit, however, that when you were</p> <p>8 provided access to Dealertrack you were the only</p> <p>9 salesperson that was provided that, correct?</p> <p>10 A Yes.</p> <p>11 Q In that regard, you were treated more</p> <p>12 favorably, correct?</p> <p>13 A Right.</p> <p>14 Q Can you identify any other ways in which</p> <p>15 you were treated more favorably at the dealership</p> <p>16 while you worked there?</p> <p>17 A I mean, I guess the fact of me getting the</p> <p>18 \$1,000 bonus and no one received any bonus.</p> <p>19 Q Can you identify all the employees that</p> <p>20 you believe were treated more favorably than you?</p> <p>21 A I mean, are we speaking after my</p> <p>22 announcement or prior to my announcement?</p> <p>23 Q After the announcement.</p> <p>24 A After the announcement, I can't really say</p> <p>25 anybody was treated more favorably. I can say that</p>	<p style="text-align: right;">106</p> <p>1 L. Stidhum</p> <p>2 they were taken -- their customers were taken or</p> <p>3 tended to a little more promptly. I can't say</p> <p>4 favorably because still nobody did get Dealertrack</p> <p>5 access or bonuses or anything like that.</p> <p>6 Q With respect to that answer, that's solely</p> <p>7 in relation to Andris Guzman processing the</p> <p>8 financing application, correct?</p> <p>9 A Right.</p> <p>10 Q It's not the case with Serge, after</p> <p>11 disclosing your pregnancy, Serge processed all the</p> <p>12 applications whether it came from you or someone</p> <p>13 else the same way, correct?</p> <p>14 A Pretty much. He took them as they went.</p> <p>15 Q Was there anyone else that took longer to</p> <p>16 process the financing applications with you than</p> <p>17 with anyone else?</p> <p>18 A No.</p> <p>19 Q That's the only way any employee was</p> <p>20 treated more favorably than you, correct?</p> <p>21 A Yes.</p> <p>22 Q What is your understanding as to why all</p> <p>23 the other employees were being treated more</p> <p>24 favorably than you?</p> <p>25 A Again, I didn't say I was being treated</p>
<p style="text-align: right;">107</p> <p>1 L. Stidhum</p> <p>2 favorably. I said that he would take them or tend</p> <p>3 to them more promptly.</p> <p>4 Q Why do you believe he did that?</p> <p>5 A Again, because I don't know if it had</p> <p>6 something to do personal or if it was with my</p> <p>7 pregnancy. It's not something that I can really</p> <p>8 answer. I don't know why he would do that. If one</p> <p>9 of us makes a sale, we all get a commission. It's</p> <p>10 not something I can really understand either. I</p> <p>11 don't know if he wanted me out of the store because</p> <p>12 I pregnant. I don't know.</p> <p>13 Q Fair enough. Do you know the educational</p> <p>14 background of Andris Guzman?</p> <p>15 A No. I don't know anything personal.</p> <p>16 Q Do you know Andris Guzman's work</p> <p>17 experience with dealerships?</p> <p>18 A No, I do not.</p> <p>19 Q Do you know if he had any work experience</p> <p>20 working for any other dealership?</p> <p>21 A I remember being told he worked at Major</p> <p>22 World or something. That's about it.</p> <p>23 Q Do you have any knowledge about Hillside</p> <p>24 Auto Outlet's policy against discrimination?</p> <p>25 A No.</p>	<p style="text-align: right;">108</p> <p>1 L. Stidhum</p> <p>2 Q Did you ever sign any document</p> <p>3 acknowledging receipt of a policy against</p> <p>4 discrimination?</p> <p>5 A I believe so. We had an employee packet.</p> <p>6 I'm pretty sure it was in there somewhere that I</p> <p>7 didn't really see.</p> <p>8 Q Do you still have a copy of it?</p> <p>9 A No, we weren't given a copy of it.</p> <p>10 Q Fair to say that when you had a</p> <p>11 conversation with Isaac about the fact that you felt</p> <p>12 your pregnancy was playing a role in what was going</p> <p>13 on, you never really followed up and you decided to</p> <p>14 quit, correct?</p> <p>15 MS. TROY: Objection to form.</p> <p>16 Q You can answer.</p> <p>17 A The question one more time.</p> <p>18 (Whereupon, the referred to question was read back</p> <p>19 by the reporter.)</p> <p>20 A I mean, at that point I wouldn't think I</p> <p>21 had to follow up with something when somebody tells</p> <p>22 me, We are going to speak about this later or, Come</p> <p>23 Monday, we are going to have a conversation. It</p> <p>24 wasn't something I felt the need to follow up on.</p> <p>25 No, I did not follow up with it. I only asked later</p>

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<p style="text-align: right;">109</p> <p>1 L. Stidhum</p> <p>2 on about my commission I was owed on cars that I did</p> <p>3 not get paid on.</p> <p>4 Q Understood. Your complaint alleges that</p> <p>5 you were discriminated against on the basis of your</p> <p>6 sex or gender, correct?</p> <p>7 MS. TROY: Objection. She can answer if</p> <p>8 she understand.</p> <p>9 A Yes, I don't get it.</p> <p>10 Q In your complaint, you say you were</p> <p>11 discriminated against, right?</p> <p>12 A Yes.</p> <p>13 Q What is the basis upon which you're saying</p> <p>14 you were discriminated against, on what grounds?</p> <p>15 A My pregnancy.</p> <p>16 Q Are you also saying you were discriminated</p> <p>17 against because of your sex or gender?</p> <p>18 A I mean, doesn't that play hand in hand</p> <p>19 that only women can get pregnant?</p> <p>20 Q I'm asking you: Is that reason why you're</p> <p>21 saying you were discriminated against?</p> <p>22 MS. TROY: Objection. She can answer.</p> <p>23 A I guess.</p> <p>24 Q Are you also alleging that you were</p> <p>25 discriminated against based on disability?</p>	<p style="text-align: right;">110</p> <p>1 L. Stidhum</p> <p>2 A I don't think being pregnant is a</p> <p>3 disability, is it?</p> <p>4 MS. TROY: Objection. Also calls for</p> <p>5 legal conclusion.</p> <p>6 Q I can't answer your question, Ms. Stidhum,</p> <p>7 but I will take the answer from what you provided,</p> <p>8 okay?</p> <p>9 A Okay.</p> <p>10 Q Do you claim that you were discriminated</p> <p>11 against on any other basis?</p> <p>12 A No.</p> <p>13 Q At the time you left, with respect to your</p> <p>14 pregnancy, were you showing?</p> <p>15 A No. I was not even three months, I</p> <p>16 believe.</p> <p>17 Q You acknowledge that Andris Guzman was not</p> <p>18 a decision-maker at the dealership, correct?</p> <p>19 A Yes and no. I mean, he played a part in</p> <p>20 making decisions at some points.</p> <p>21 Q The question is how?</p> <p>22 A I mean, it was kind of -- it's kind of</p> <p>23 hard to say. It was a team effort. It would be</p> <p>24 something that was a conversation between whoever it</p> <p>25 was between, whether it was just management, he</p>
<p style="text-align: right;">111</p> <p>1 L. Stidhum</p> <p>2 would definitely be involved in those decisions.</p> <p>3 For the most part, yes, Isaac was the one who made</p> <p>4 decisions.</p> <p>5 Q In your complaint, you seek damages of an</p> <p>6 amount over two million dollars, right?</p> <p>7 A Yes.</p> <p>8 MS. TROY: Objection.</p> <p>9 Q You're generally seeking over two million</p> <p>10 dollars for this case, correct?</p> <p>11 A Yes.</p> <p>12 Q What is the basis for you seeking those</p> <p>13 damages?</p> <p>14 A I'm not sure. That's something to discuss</p> <p>15 with my attorney.</p> <p>16 Q Can you describe any injuries that you</p> <p>17 sustained as a result of any unlawful</p> <p>18 discrimination?</p> <p>19 A I mean, besides being depressed, upset,</p> <p>20 stressed, scared even because I mean -- this is</p> <p>21 something that Isaac told me that stuck with me when</p> <p>22 I told him I was leaving. He told me the grass</p> <p>23 wasn't always greener on the other side. For the</p> <p>24 first couple of months it wasn't and I was</p> <p>25 definitely scared. Those are some of the feelings I</p>	<p style="text-align: right;">112</p> <p>1 L. Stidhum</p> <p>2 felt.</p> <p>3 Q Other than being depressed, upset,</p> <p>4 stressed and scared, did you suffer any other</p> <p>5 emotional injuries as a result of any</p> <p>6 discrimination?</p> <p>7 A No, not that I can think of.</p> <p>8 Q Would you say you suffered any</p> <p>9 psychological injuries as a result of the alleged</p> <p>10 discrimination?</p> <p>11 A I'm not sure, but I did experience a lot</p> <p>12 of anxiety. I don't want to say one hundred percent</p> <p>13 it was from this. It could have been a combination</p> <p>14 of being pregnant and worried, but I did suffer from</p> <p>15 a lot of anxiety.</p> <p>16 Q Did you suffer any physical injuries as a</p> <p>17 result of the alleged discrimination?</p> <p>18 A No.</p> <p>19 Q For the emotional injuries that we had</p> <p>20 just discussed, what were your symptoms, if any?</p> <p>21 A I'm sorry?</p> <p>22 Q What were your symptoms, if any, for the</p> <p>23 emotional injuries we just discussed?</p> <p>24 A The same ones; stress, depressed, scared.</p> <p>25 Q Did you seek any medical treatment or</p>

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<p style="text-align: right;">113</p> <p>1 L. Stidhum</p> <p>2 other healthcare for any of these injuries?</p> <p>3 A No.</p> <p>4 Q Were you ever hospitalized for these</p> <p>5 injuries?</p> <p>6 A No.</p> <p>7 Q Did you ever take any medication for any</p> <p>8 of these injuries?</p> <p>9 A Being pregnant I can't so, no.</p> <p>10 Q How are you now?</p> <p>11 MS. TROY: Objection. How is this</p> <p>12 relevant? She can answer the question. It's</p> <p>13 not relevant and it's going against your seven</p> <p>14 hours.</p> <p>15 MR. KATAEV: Just say, Objection,</p> <p>16 relevance.</p> <p>17 BY MR. KATAEV:</p> <p>18 Q Please answer the question.</p> <p>19 A How am I now?</p> <p>20 Q Correct.</p> <p>21 A What does that mean?</p> <p>22 Q How are you now in terms of your emotional</p> <p>23 state and the injuries you just talked about?</p> <p>24 A Based on that it's been years now, of</p> <p>25 course I have recovered. It's been years, I got to</p>	<p style="text-align: right;">114</p> <p>1 L. Stidhum</p> <p>2 experience a lot of great positions. Everything</p> <p>3 happens for good reasons.</p> <p>4 Q Okay. Is fair to say that whatever the</p> <p>5 symptoms or injuries we talked about have now been</p> <p>6 resolved?</p> <p>7 A Yes.</p> <p>8 Q None of these symptoms or injuries that we</p> <p>9 discussed prevented you from working or seeking</p> <p>10 work?</p> <p>11 A Partially. Even though I was able to get</p> <p>12 a job immediately after, it wasn't all peaches and</p> <p>13 cream in the beginning. I was very stressed out, I</p> <p>14 was very worried about what's going to happen and</p> <p>15 like I said, the grass wasn't greener in the</p> <p>16 beginning but of course they got better.</p> <p>17 Q They got better after a few months?</p> <p>18 A Maybe a few months, we will say.</p> <p>19 Q What made it better after a couple of</p> <p>20 months?</p> <p>21 MS. TROY: Objection as to form.</p> <p>22 A Volume, of course, that was my main thing.</p> <p>23 This whole thing started from my decrease in pay. I</p> <p>24 was stressed out about money, I had bills to pay.</p> <p>25 The volume of the dealership increased definitely</p>
<p style="text-align: right;">115</p> <p>1 L. Stidhum</p> <p>2 helped me deal with everything that was going on.</p> <p>3 Q When you refer to volume you mean money,</p> <p>4 correct?</p> <p>5 A The volume of customers and cars sold,</p> <p>6 yes.</p> <p>7 Q The fact that you made more money</p> <p>8 alleviated the emotional injuries, correct?</p> <p>9 MS. TROY: Objection. Argumentative. You</p> <p>10 can answer.</p> <p>11 A Yes. I wouldn't say that making money, it</p> <p>12 was a weight off my back not having to worry about</p> <p>13 how I was going to provide for this child I was</p> <p>14 bringing into this world, yes, but I wouldn't say</p> <p>15 alleviated everything, no.</p> <p>16 Q Do you receive child support?</p> <p>17 A No.</p> <p>18 Q Have you taken any steps to obtain child</p> <p>19 support?</p> <p>20 A No.</p> <p>21 MS. TROY: Objection. How is that</p> <p>22 relevant?</p> <p>23 MR. KATAEV: It's relevant.</p> <p>24 MS. TROY: It's not relevant.</p> <p>25 MR. KATAEV: Are you instructing her not</p>	<p style="text-align: right;">116</p> <p>1 L. Stidhum</p> <p>2 to answer?</p> <p>3 MS. TROY: She may answer.</p> <p>4 MR. KATAEV: Your objection is noted.</p> <p>5 BY MR. KATAEV:</p> <p>6 Q What was the answer to have you taken any</p> <p>7 steps to obtain child support?</p> <p>8 MS. TROY: She said, No.</p> <p>9 A No.</p> <p>10 Q Why is that?</p> <p>11 A Because I --</p> <p>12 MS. TROY: Objection as to relevance. She</p> <p>13 may answer.</p> <p>14 A I haven't felt the need to. My child's</p> <p>15 father helps.</p> <p>16 Q How does your child's father help?</p> <p>17 A He does what he has to do for our child.</p> <p>18 Q He provides financially for the child,</p> <p>19 correct?</p> <p>20 A Yes.</p> <p>21 Q Okay. I understand now.</p> <p>22 Prior to you working at Hillside Auto</p> <p>23 Outlet, have you ever sought any treatment from any</p> <p>24 mental healthcare professionals?</p> <p>25 A No.</p>

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<p style="text-align: right;">117</p> <p>1 L. Stidhum</p> <p>2 Q Prior to your working at Hillside Auto</p> <p>3 Outlet, have you ever experienced any depression,</p> <p>4 being upset, stressed or being scared or having</p> <p>5 anxiety?</p> <p>6 A No.</p> <p>7 Q Do you use any social media websites?</p> <p>8 A Yes.</p> <p>9 Q Do you use Facebook?</p> <p>10 A Not anymore.</p> <p>11 Q What about Instagram?</p> <p>12 A Yes.</p> <p>13 Q What about LinkedIn?</p> <p>14 A I have an account but I don't really use</p> <p>15 it.</p> <p>16 Q Twitter?</p> <p>17 A No.</p> <p>18 Q Snapchat?</p> <p>19 A Yes.</p> <p>20 Q With respect to these websites, have you</p> <p>21 ever posted anything about this lawsuit on any of</p> <p>22 those four websites that you use; Facebook,</p> <p>23 Instagram, LinkedIn or Snapchat?</p> <p>24 A I don't want to say no because I might</p> <p>25 have early on.</p>	<p style="text-align: right;">118</p> <p>1 L. Stidhum</p> <p>2 Q What is an example of something you may</p> <p>3 have posted on any of those websites?</p> <p>4 A Or maybe I haven't. Honestly, I'm not</p> <p>5 sure.</p> <p>6 Q Did you ever post anything on Facebook</p> <p>7 about the fact that you are available to sell</p> <p>8 someone a car at Hillside Auto Outlet?</p> <p>9 MS. TROY: Again, sorry.</p> <p>10 MR. KATAEV: Read it back.</p> <p>11 (Whereupon, the referred to question was read back</p> <p>12 by the reporter.)</p> <p>13 A Are we talking after or prior to me</p> <p>14 leaving?</p> <p>15 Q During the time you worked there.</p> <p>16 A Probably. I would always try to advertise</p> <p>17 as best I could.</p> <p>18 Q After you left, did you ever post anything</p> <p>19 about your working experience at Hillside Auto on</p> <p>20 any of those sites?</p> <p>21 A I don't believe so.</p> <p>22 Q Isn't it true you made a Facebook post</p> <p>23 about the fact that you're seeking two million</p> <p>24 dollars against Hillside Auto on Facebook?</p> <p>25 MS. TROY: Objection. Argumentative. She</p>
<p style="text-align: right;">119</p> <p>1 L. Stidhum</p> <p>2 may answer.</p> <p>3 A I don't recall.</p> <p>4 Q Isn't it true that you posted something</p> <p>5 like that and later deleted it?</p> <p>6 A Can you give me a timeframe?</p> <p>7 Q Some time after you left and filed the</p> <p>8 original lawsuit?</p> <p>9 A Are we talking closer to the time we left</p> <p>10 or recent?</p> <p>11 Q I'm not sure. Any time after you left?</p> <p>12 A I don't recall.</p> <p>13 Q One way or the other, correct?</p> <p>14 MS. TROY: Sorry?</p> <p>15 Q You don't recall one way or the other,</p> <p>16 correct?</p> <p>17 A No.</p> <p>18 Q Are you claiming that you're entitled to</p> <p>19 backpay in this case?</p> <p>20 MS. TROY: Objection. Calls for a legal</p> <p>21 conclusion. She can answer if she understands.</p> <p>22 MR. KATAEV: Please don't coach the</p> <p>23 witness with, If she understands. This is the</p> <p>24 second time you have done that.</p> <p>25</p>	<p style="text-align: right;">120</p> <p>1 L. Stidhum</p> <p>2 BY MR. KATAEV:</p> <p>3 Q You can answer the question.</p> <p>4 A Honestly, I'm not sure. I don't know if</p> <p>5 it was recorded, the customers that I knew that I</p> <p>6 didn't get paid on, I don't remember. This is going</p> <p>7 years back now.</p> <p>8 Q I'm going to explain what backpay is in</p> <p>9 order to help you understand the question so you can</p> <p>10 answer it, okay?</p> <p>11 A Uh-huh.</p> <p>12 Q Backpay is an amount of money that you</p> <p>13 would be entitled to if you continued working at</p> <p>14 Hillside Auto and didn't have to leave. It is</p> <p>15 something that you get to claim, but it's subject to</p> <p>16 mitigation if your new job that you worked at right</p> <p>17 after you started paid less than what you received</p> <p>18 at Hillside.</p> <p>19 With that basic explanation --</p> <p>20 MS. TROY: The explanation is incorrect.</p> <p>21 Q With that basic explanation and subject to</p> <p>22 any objection that she puts, are you claiming</p> <p>23 backpay in this case; yes or no?</p> <p>24 MS. TROY: Objection. The instruction as</p> <p>25 to backpay is incorrect. She can answer based</p>

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<p style="text-align: right;">121</p> <p>1 L. Stidhum</p> <p>2 on your incorrect definition.</p> <p>3 BY MR. KATAEV:</p> <p>4 Q Subject to that objection, you can answer.</p> <p>5 A Honestly, I'm not entirely sure because</p> <p>6 you did say if I was making less at my next job?</p> <p>7 Q Correct.</p> <p>8 A I don't understand.</p> <p>9 Q After you left Hillside Auto Outlet, you</p> <p>10 went to work at NYC Motor Cars; yes or no?</p> <p>11 A Yes.</p> <p>12 Q The money that you made at NYC Motor Cars,</p> <p>13 at least for the first few months, was less than</p> <p>14 what you were making at Hillside Auto Outlet,</p> <p>15 correct?</p> <p>16 A Yes.</p> <p>17 Q Are you claiming the difference for</p> <p>18 backpay in this case?</p> <p>19 A I'm not sure.</p> <p>20 Q Is it true that you made less money at NYC</p> <p>21 Motor Cars initially than when you worked at</p> <p>22 Hillside Auto Outlet?</p> <p>23 A The first couple of weeks, yes.</p> <p>24 Q After the first couple of weeks you made</p> <p>25 more than you ever made at Hillside Auto Outlet,</p>	<p style="text-align: right;">122</p> <p>1 L. Stidhum</p> <p>2 correct?</p> <p>3 A Yes.</p> <p>4 Q Did there come a time when you didn't make</p> <p>5 as much as you made at Hillside Auto Outlet after</p> <p>6 that?</p> <p>7 A I mean, up until Covid.</p> <p>8 Q When Covid hit, you weren't making</p> <p>9 anything for some time, right?</p> <p>10 A Right.</p> <p>11 Q That was because of Covid?</p> <p>12 A Right.</p> <p>13 Q After you went back in the workforce after</p> <p>14 Covid, did you ever make less money than you made at</p> <p>15 Hillside Auto Outlet again?</p> <p>16 A No. Roughly the same or more.</p> <p>17 Q Were there any benefits that you had at</p> <p>18 Hillside Auto Outlet that you didn't have at any of</p> <p>19 the subsequent dealerships you worked at?</p> <p>20 A No.</p> <p>21 Q Had everything worked out with Hillside</p> <p>22 Auto Outlet and you would have continued working</p> <p>23 there, how long did you assume you would stay at</p> <p>24 that job?</p> <p>25 MS. TROY: Objection. Purely</p>
<p style="text-align: right;">123</p> <p>1 L. Stidhum</p> <p>2 hypothetical.</p> <p>3 Q You can answer.</p> <p>4 A Realistically, prior to Isaac leaving, I</p> <p>5 was pretty happy so who knows. I probably would</p> <p>6 have been there until this day. I probably would</p> <p>7 have been a finance manager, who knows.</p> <p>8 Q What was the longest time period you ever</p> <p>9 held any prior job?</p> <p>10 MS. TROY: Do you have a timeframe,</p> <p>11 Counselor?</p> <p>12 Q Ever in your whole life?</p> <p>13 A I want to say two-and-a-half years.</p> <p>14 Q That was with?</p> <p>15 A NYC Motor Cars.</p> <p>16 Q You're saying two-and-a-half years based</p> <p>17 on your experience initially at Motor Cars and when</p> <p>18 you returned?</p> <p>19 A Yes.</p> <p>20 Q You're combining those, right?</p> <p>21 A Yes, right.</p> <p>22 Q Sometime when you left your prior</p> <p>23 employment that we discussed earlier in your</p> <p>24 testimony, you would explain that you sort of saw</p> <p>25 the writing on the wall with respect to something</p>	<p style="text-align: right;">124</p> <p>1 L. Stidhum</p> <p>2 and you would leave as a result of that, correct?</p> <p>3 MS. TROY: Objection. Ambiguous. I have</p> <p>4 no idea what you're talking about.</p> <p>5 MR. KATAEV: Just, Objection and</p> <p>6 ambiguous. The rest is superfluous.</p> <p>7 BY MR. KATAEV:</p> <p>8 Q You can answer the question.</p> <p>9 A Can you repeat it?</p> <p>10 Q You testified before about sometimes you</p> <p>11 would be leaving a job because you saw the writing</p> <p>12 on the wall with respect to something. For example,</p> <p>13 at Luxury Motor Cars, you saw there was really no</p> <p>14 business and you left; do you remember that</p> <p>15 testimony?</p> <p>16 A Yes.</p> <p>17 Q With respect to Hillside Auto Outlet in</p> <p>18 January of 2019, did you see any such circumstances?</p> <p>19 MS. TROY: Objection to the term, Writing</p> <p>20 on the wall.</p> <p>21 MR. KATAEV: That term is not in this</p> <p>22 question.</p> <p>23 BY MR. KATAEV:</p> <p>24 Q You can answer the question.</p> <p>25 A Again. It's not -- the question is not</p>

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<p style="text-align: right;">125</p> <p>1 L. Stidhum</p> <p>2 clear. Can you rephrase it? I'm sorry.</p> <p>3 Q I'll start with an example. In January of</p> <p>4 2019, prior to making your decision to quit, did you</p> <p>5 notice, for example, there was less business like</p> <p>6 you noticed at Luxury Motor Cars?</p> <p>7 A No, because there wasn't less business.</p> <p>8 Q Using that as an example, were there any</p> <p>9 other circumstances at that time that led to your</p> <p>10 decision to quit other than what we already</p> <p>11 discussed?</p> <p>12 A No.</p> <p>13 Q It's fair to say that all the jobs you had</p> <p>14 after you left Hillside Auto Outlet, at those jobs</p> <p>15 you obtained income, correct?</p> <p>16 A Yes.</p> <p>17 Q What other income from any other source</p> <p>18 did you obtain other than from those jobs that we</p> <p>19 discussed?</p> <p>20 MS. TROY: Objection. Ambiguous.</p> <p>21 Q You can answer.</p> <p>22 A Besides that employment, working -- I did</p> <p>23 start doing -- being a broker but that was very</p> <p>24 short-lived.</p> <p>25 Q Real estate broker?</p>	<p style="text-align: right;">126</p> <p>1 L. Stidhum</p> <p>2 A No, automobile broker.</p> <p>3 Q Did you earn any income as an automobile</p> <p>4 broker?</p> <p>5 A Nothing but a couple of thousand.</p> <p>6 Q Why was it short-lived?</p> <p>7 A It was during Covid. It was trial and</p> <p>8 error, definitely error.</p> <p>9 Q You decided to stop working in that area?</p> <p>10 A Yes. It wasn't paying my bills.</p> <p>11 Q Any other source of income?</p> <p>12 MS. TROY: Can we have one second? I will</p> <p>13 bring her water.</p> <p>14 MR. KATAEV: Yes, of course. Off the</p> <p>15 record.</p> <p>16 (Whereupon, an off-the-record discussion was held.)</p> <p>17 BY MR. KATAEV:</p> <p>18 Q You testified that you're no longer</p> <p>19 employed as of right now, correct?</p> <p>20 A Yes.</p> <p>21 Q That's because of the birth of your second</p> <p>22 child, correct?</p> <p>23 A More or less.</p> <p>24 Q Have you made any effort since the birth</p> <p>25 of your second child to enter back into the</p>
<p style="text-align: right;">127</p> <p>1 L. Stidhum</p> <p>2 workforce?</p> <p>3 A I have.</p> <p>4 Q What efforts did you make?</p> <p>5 MS. TROY: Irrelevant. She can answer.</p> <p>6 A That was one of the places that I had</p> <p>7 mentioned. I went to NYC Motor Cars -- I'm sorry,</p> <p>8 NY Luxury Motors. It didn't work out. They had no</p> <p>9 business at all, like not a single soul would walk</p> <p>10 in for weeks at a time.</p> <p>11 Q Other than working there and giving that a</p> <p>12 go, did you work anywhere else?</p> <p>13 A Another place I mentioned, Great Neck</p> <p>14 Motors Sports.</p> <p>15 Q No other employers other than those two,</p> <p>16 right?</p> <p>17 A No.</p> <p>18 Q Those are places where you worked. What</p> <p>19 about places were you applied for a job?</p> <p>20 A I mean, there is quite a few. Whether or</p> <p>21 not I would go on the interview is a different story</p> <p>22 after doing my research about the places. Really</p> <p>23 the only job offer that I turned down was Audi of</p> <p>24 Queens, Queens Auto Mall, and I was also offered a</p> <p>25 position at Baron Auto Emporium.</p>	<p style="text-align: right;">128</p> <p>1 L. Stidhum</p> <p>2 Q With respect to each of these positions</p> <p>3 that you were offered, why is it that you were --</p> <p>4 withdrawn.</p> <p>5 Why is it that you rejected the offer</p> <p>6 of employment? Let's start with Audi of Queens.</p> <p>7 A It was going to be definitely a different</p> <p>8 change of environment. New car stores is a lot</p> <p>9 tougher. I sat there for a couple of hours and I</p> <p>10 didn't see anybody come in. Coming from places that</p> <p>11 have walk in traffic, that's alarming to me.</p> <p>12 You spoke about those certifications.</p> <p>13 There was going to be a whole lot of certifications</p> <p>14 so I wouldn't have got to sell a car for a month or</p> <p>15 two months until I completed those certifications.</p> <p>16 In those luxury high-end stores, you have to</p> <p>17 complete everything before you grab your first</p> <p>18 customer. That's the reason I didn't take that job.</p> <p>19 Queens Auto Mall didn't offer enough</p> <p>20 money. I went in there for a BDC manager position</p> <p>21 and the pay was super low, so I wasn't going to do</p> <p>22 that. Baron Auto Emporium, I was in fear that I was</p> <p>23 going to lose my job because it had the name Baron</p> <p>24 in it. I don't know who the owners are. I was</p> <p>25 offered the position multiple times and declined</p>

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<p style="text-align: right;">129</p> <p>1 L. Stidhum</p> <p>2 because I didn't want to get fired later on.</p> <p>3 Q Who offered you the position at Baron?</p> <p>4 A I want to say Freddie, the GM. David was</p> <p>5 the one who told me about Freddie, they were</p> <p>6 friends. Prior to him telling me about it, I had</p> <p>7 already went on the interview and he offered me the</p> <p>8 position two or three times. I just didn't want to</p> <p>9 deal with having to get fired for any reason because</p> <p>10 that did happen to David in the past.</p> <p>11 Q Where did that happen to David?</p> <p>12 A When he was working at North Shore Motors.</p> <p>13 They ending up firing him after finding out about</p> <p>14 this case.</p> <p>15 Q How do you know that?</p> <p>16 A That's what he told me.</p> <p>17 Q Do you know how he knows that?</p> <p>18 A Honestly, I didn't bother to ask.</p> <p>19 Q When was the last time you spoke to David?</p> <p>20 A Probably a couple of weeks ago.</p> <p>21 Q What is the nature of your relationship</p> <p>22 with him?</p> <p>23 A We are -- I wouldn't say we are close, but</p> <p>24 we are friends.</p> <p>25 Q Other than Audi of Queens, Queens Auto</p>	<p style="text-align: right;">130</p> <p>1 L. Stidhum</p> <p>2 Mall and Baron Auto Emporium did you submit your</p> <p>3 resume or job applications for any other positions</p> <p>4 elsewhere?</p> <p>5 A Yes. A ton of places.</p> <p>6 Q Is there a centralized location from which</p> <p>7 you did that on the internet or elsewhere?</p> <p>8 A Indeed.</p> <p>9 Q Is it only Indeed?</p> <p>10 A For the most part. I might have submitted</p> <p>11 a resume or two off the Craigslist, but pretty much</p> <p>12 Indeed is the only place.</p> <p>13 Q Whenever you submitted something on Indeed</p> <p>14 or Craigslist, you did that with the same email</p> <p>15 address, correct?</p> <p>16 A More or less.</p> <p>17 Q What is the email address that you used</p> <p>18 for Indeed?</p> <p>19 A Lsticia3@Gmail.</p> <p>20 Q That's the same email address you used for</p> <p>21 Craigslist?</p> <p>22 A Yes. I would say so, yes.</p> <p>23 Q You never looked into recruiters or</p> <p>24 anything like that, right?</p> <p>25 A I don't think so, no.</p>
<p style="text-align: right;">131</p> <p>1 L. Stidhum</p> <p>2 Q How much time have you spent on your job</p> <p>3 search each day since you were ready to return to</p> <p>4 work following the birth of your second child?</p> <p>5 MS. TROY: Objection as to relevance. She</p> <p>6 can answer.</p> <p>7 A When I get a few minutes, I will look and</p> <p>8 see if there is anything intriguing. I'm a numbers</p> <p>9 person. If it doesn't make sense, I would rather be</p> <p>10 home with my children. I can't put a timeframe on</p> <p>11 it.</p> <p>12 Q How are you supporting yourself while</p> <p>13 you're unemployed?</p> <p>14 A Right now, my mom is currently pretty much</p> <p>15 supporting me and my kids.</p> <p>16 Q What does she do?</p> <p>17 A My mom, she sells Auto Trader.</p> <p>18 Q Was she involved in the automobile</p> <p>19 business before you got involved with Hillside Auto</p> <p>20 Outlet?</p> <p>21 A No.</p> <p>22 Q What did she do before Auto Trader?</p> <p>23 A She worked for Spectrum Communications.</p> <p>24 She was a territory manager.</p> <p>25 Q She no longer works there?</p>	<p style="text-align: right;">132</p> <p>1 L. Stidhum</p> <p>2 A No.</p> <p>3 Q You testified about taking some time off</p> <p>4 for a vacation in September of 2020. Do you recall</p> <p>5 that?</p> <p>6 A Of 2020?</p> <p>7 Q I believe so.</p> <p>8 MS. TROY: Mischaracterizes witness</p> <p>9 testimony but she can answer.</p> <p>10 A Are we talking when I said I went out of</p> <p>11 the country?</p> <p>12 Q Yes.</p> <p>13 A That was actually of 2022, not of 2020. I</p> <p>14 went out of the country. I went on a boat, on a</p> <p>15 cruise to Bermuda.</p> <p>16 Q Since September of 2020 until now, have</p> <p>17 you taken any vacations?</p> <p>18 A No.</p> <p>19 Q Prior to September of 2022, when did you</p> <p>20 take your vacation prior to that time?</p> <p>21 MS. TROY: Objection as to relevance. She</p> <p>22 can answer.</p> <p>23 A I went to Florida in August.</p> <p>24 Q How long?</p> <p>25 A About two weeks.</p>

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<p style="text-align: right;">133</p> <p>1 L. Stidhum</p> <p>2 Q Prior to that?</p> <p>3 A I think before that it would have been</p> <p>4 like 2021.</p> <p>5 Q Do you remember what month?</p> <p>6 A I went to Puerto Rico in May for Mother's</p> <p>7 Day.</p> <p>8 Q Prior to that?</p> <p>9 A Actually, in June of 2021 -- was it 2021?</p> <p>10 Yes, in June of 2021, I went to California and also</p> <p>11 in May of 2021, I went to Florida again.</p> <p>12 Q In May and June of 2021, you visited</p> <p>13 Puerto Rico?</p> <p>14 A Yes.</p> <p>15 Q Florida and California, correct?</p> <p>16 A Yes.</p> <p>17 Q What part of California was it?</p> <p>18 MS. TROY: Objection as to relevance.</p> <p>19 Where are we going with this? She can answer.</p> <p>20 BY MR. KATAEV:</p> <p>21 Q Go on.</p> <p>22 A We stayed in Los Angeles.</p> <p>23 Q Prior to those vacations in May and June</p> <p>24 of 2021, when was your last vacation?</p> <p>25 MS. TROY: Objection as to relevance. She</p>	<p style="text-align: right;">134</p> <p>1 L. Stidhum</p> <p>2 can answer.</p> <p>3 A Honestly, I don't remember. I know I went</p> <p>4 on another cruise but I don't remember the</p> <p>5 timeframe.</p> <p>6 Q Did you travel during Covid between March</p> <p>7 and December of 2020?</p> <p>8 A No.</p> <p>9 Q There was one other cruise prior to that</p> <p>10 May or June of 2021 set of vacations. During any of</p> <p>11 those vacations, all of them, did you ever do job</p> <p>12 search activity while on vacations?</p> <p>13 MS. TROY: Objection as to relevance.</p> <p>14 Q You can answer.</p> <p>15 A I don't remember honestly.</p> <p>16 Q Were you unavailable to work since the</p> <p>17 termination of your employment, other than for the</p> <p>18 birth of your second child?</p> <p>19 A One more time.</p> <p>20 Q Were you unavailable to work since you</p> <p>21 left Hillside Auto Outlet, other than due to the</p> <p>22 birth of your second child?</p> <p>23 A No.</p> <p>24 Q And first child.</p> <p>25 Are you currently attending any</p>
<p style="text-align: right;">135</p> <p>1 L. Stidhum</p> <p>2 school or taking any classes?</p> <p>3 A No.</p> <p>4 Q Have you taken on any training courses or</p> <p>5 anything like that?</p> <p>6 A No.</p> <p>7 Q Have you ever been self-employed?</p> <p>8 A Yes.</p> <p>9 Q Can you explain?</p> <p>10 A That's when I was doing the broker thing.</p> <p>11 Q Have you ever received any long-term or</p> <p>12 short-term disability insurance benefits?</p> <p>13 A No.</p> <p>14 Q Did you apply after you gave birth for</p> <p>15 short-term disability?</p> <p>16 A Is that the same thing as the paid family</p> <p>17 leave or is that different?</p> <p>18 Q It's different, but tell me about that.</p> <p>19 A I received a paid family leave after my</p> <p>20 first child was born.</p> <p>21 Q Did you apply for that after your second</p> <p>22 child was born?</p> <p>23 A I did not.</p> <p>24 Q When you applied for it the first time,</p> <p>25 when your first child was born, did you have to</p>	<p style="text-align: right;">136</p> <p>1 L. Stidhum</p> <p>2 provide information about your income?</p> <p>3 A That was all done by the dealership, by</p> <p>4 Luxury Motor Cars. I'm not sure exactly. They</p> <p>5 filled out everything and sent it in.</p> <p>6 Q Other than paid family leave, do you</p> <p>7 recall whether short-term disability benefits were</p> <p>8 applied for?</p> <p>9 A I don't believe so.</p> <p>10 Q You received paid family leave for</p> <p>11 approximately 12 weeks, right?</p> <p>12 A I think so.</p> <p>13 Q It was a percentage of your actual income</p> <p>14 at the dealership, correct?</p> <p>15 A I believe it was capped at \$700.</p> <p>16 Q You received the full cap, right?</p> <p>17 A Yes.</p> <p>18 Q Have you received any Social Security</p> <p>19 benefits including Social Security disability</p> <p>20 insurance benefits since your termination?</p> <p>21 A No.</p> <p>22 Q Have you received any workers' comp.</p> <p>23 benefits?</p> <p>24 A No.</p> <p>25 MS. TROY: Asked and answered.</p>

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<p style="text-align: right;">137</p> <p>1 L. Stidhum</p> <p>2 MR. KATAEV: No, I didn't ask her if she</p> <p>3 received benefits. I asked her if she applied</p> <p>4 for benefits, not if she received benefits.</p> <p>5 BY MR. KATAEV:</p> <p>6 Q You testified that you received</p> <p>7 unemployment insurance benefits, correct?</p> <p>8 A Yes.</p> <p>9 Q You only applied for unemployment</p> <p>10 insurance benefits once, correct?</p> <p>11 MS. TROY: Timeframe?</p> <p>12 Q In your whole life.</p> <p>13 A No.</p> <p>14 Q With respect to the testimony that you</p> <p>15 previously provided about applying for unemployment</p> <p>16 insurance benefits, what employer did you apply for</p> <p>17 that from after being let go?</p> <p>18 A Luxury Motor Club was the first one.</p> <p>19 Q Okay.</p> <p>20 A Great Neck Motor Sports. I was there</p> <p>21 while I was pregnant.</p> <p>22 Q Were those the only two?</p> <p>23 A If I'm not mistaken, yes. Wait, actually,</p> <p>24 I believe NYC Motor Cars was in there too because</p> <p>25 that was during the period of Covid. I'm not</p>	<p style="text-align: right;">138</p> <p>1 L. Stidhum</p> <p>2 100 percent sure but it might have been.</p> <p>3 Q Understood. Had you received an offer of</p> <p>4 reinstatement from Hillside Auto Outlet, would you</p> <p>5 have returned?</p> <p>6 A Possibly.</p> <p>7 Q Why would you return?</p> <p>8 MS. TROY: Timeframe, but she can answer</p> <p>9 the question.</p> <p>10 A Read it back.</p> <p>11 (Whereupon, the referred to question was read back</p> <p>12 by the reporter.)</p> <p>13 A If would all depend on the circumstances,</p> <p>14 of course. If the offer was presented and it was a</p> <p>15 decent one, possibly.</p> <p>16 Q You are aware that an offer of</p> <p>17 reinstatement was made, correct?</p> <p>18 A When we were at the conference?</p> <p>19 Q That's correct.</p> <p>20 A Okay. I didn't completely understand the</p> <p>21 question. I thought you meant at the time being.</p> <p>22 At this point, yes, I would not accept it, but if it</p> <p>23 was at the time of everything going on, possibly,</p> <p>24 yes.</p> <p>25 Q You rejected the offer of reinstatement at</p>
<p style="text-align: right;">139</p> <p>1 L. Stidhum</p> <p>2 the conference, correct?</p> <p>3 A Yes.</p> <p>4 Q The conference that you attended with your</p> <p>5 counsel, is that the first time you entered a</p> <p>6 federal courtroom?</p> <p>7 A Yes.</p> <p>8 Q You testified previously that Ali, David</p> <p>9 and Brianna made statements to you concerning the</p> <p>10 alleged discrimination; do you recall that</p> <p>11 testimony?</p> <p>12 A Yes.</p> <p>13 Q Other than those three individuals, did</p> <p>14 you discuss the alleged discrimination with anyone</p> <p>15 else?</p> <p>16 A Um, yes.</p> <p>17 Q Who?</p> <p>18 A Iris, which is Jay's sister. Are we</p> <p>19 talking about the dealership or in general?</p> <p>20 Q In general anyone.</p> <p>21 A Family.</p> <p>22 Q Such as who?</p> <p>23 A My mother, my grandmother, my children's</p> <p>24 father.</p> <p>25 Q Anyone else?</p>	<p style="text-align: right;">140</p> <p>1 L. Stidhum</p> <p>2 A Not that I can recall.</p> <p>3 Q No one else at the dealership other than</p> <p>4 Iris and the three people we discussed, right?</p> <p>5 A Yes, pretty much.</p> <p>6 Q What did you discuss with Iris?</p> <p>7 A I would kind of complain about what's</p> <p>8 going on.</p> <p>9 Q Would it be fair to say you were venting</p> <p>10 to her?</p> <p>11 A Yes.</p> <p>12 MS. TROY: Objection to that</p> <p>13 characterization.</p> <p>14 Q When did that discussion happen; month and</p> <p>15 year?</p> <p>16 A I don't recall. It must have been around</p> <p>17 December of 2018.</p> <p>18 Q Was that discussion held in person, by</p> <p>19 phone or otherwise?</p> <p>20 A At the dealership.</p> <p>21 Q At the dealership in person, correct?</p> <p>22 A At the dealership in person.</p> <p>23 Q What did she say after you complained to</p> <p>24 her about what happened?</p> <p>25 A I don't recall. I wouldn't put any words</p>

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<p style="text-align: right;">141</p> <p>1 L. Stidhum</p> <p>2 in anyone's mouth and I don't remember.</p> <p>3 Q That's fine. Do you have any notes or</p> <p>4 written records about any of the discussions that we</p> <p>5 just talked about or in general about the alleged</p> <p>6 discrimination?</p> <p>7 A No.</p> <p>8 Q Do you keep a journal or diary?</p> <p>9 A No.</p> <p>10 Q Did you write anything about the alleged</p> <p>11 discrimination at all?</p> <p>12 A No.</p> <p>13 Q Did you email or text anyone about the</p> <p>14 alleged discrimination?</p> <p>15 A Not that I kept records of.</p> <p>16 Q So you recall sending texts or emails but</p> <p>17 you didn't keep them?</p> <p>18 A Right.</p> <p>19 Q When did you dispose of the emails or the</p> <p>20 texts?</p> <p>21 A It wasn't so much as disposing them. I do</p> <p>22 get new phones pretty often, I like to have the</p> <p>23 newest phone. It probably just got deleted from</p> <p>24 changing phones or whatever the case may be. I</p> <p>25 don't know.</p>	<p style="text-align: right;">142</p> <p>1 L. Stidhum</p> <p>2 Q When was the last time you replaced your</p> <p>3 phone?</p> <p>4 A Actually this past December. I got</p> <p>5 upgraded for Christmas.</p> <p>6 Q Someone gave it to you as a gift or you</p> <p>7 bought it?</p> <p>8 A My mother got it for me as a gift.</p> <p>9 Q Who do you recall sending text messages or</p> <p>10 emails to about the alleged discrimination?</p> <p>11 A Again, the same three people. Those were</p> <p>12 pretty much the only people that I spoke to about</p> <p>13 the situation in general.</p> <p>14 Q Do you have any other notes or writings in</p> <p>15 any format documenting the alleged discrimination?</p> <p>16 A No.</p> <p>17 MR. KATAEV: This is a good time for us to</p> <p>18 stop and take lunch. We will come back at 1:30</p> <p>19 and we will start by doing exhibits, and I</p> <p>20 think -- I'm hoping we will be done by 3:00,</p> <p>21 but I can't promise. That's my guesstimate,</p> <p>22 okay. I have -- I will have the exhibits</p> <p>23 mostly up on the screen.</p> <p>24 MS. TROY: Whatever that has multiple</p> <p>25 pages just send it to us, it may be easier so</p>
<p style="text-align: right;">143</p> <p>1 L. Stidhum</p> <p>2 we don't have to waste time.</p> <p>3 MR. KATAEV: I will try to work on that.</p> <p>4 I will put them in the same Dropbox as the</p> <p>5 settlement production and can you work off that</p> <p>6 and I send you the link again.</p> <p>7 MS. TROY: Fine.</p> <p>8 MR. KATAEV: We are off the record.</p> <p>9</p> <p>10 (Luncheon recess: 12:58 p.m)</p> <p>11 ***</p> <p>12 (Afternoon session: 1:51 p.m.)</p> <p>13</p> <p>14 LETICIA FRANCINE STIDHUM,</p> <p>15 resumed, having been previously duly sworn, was</p> <p>16 examined and testified further as follows:</p> <p>17 EXAMINATION BY</p> <p>18 MR. KATAEV: (Continued)</p> <p>19 (Defendant's Exhibit C, Marked for Identification.)</p> <p>20 Q Defendant's Exhibit C. This is</p> <p>21 Plaintiff's Initial Disclosures. I will represent</p> <p>22 to you, Ms. Stidhum, that these were sent to us on</p> <p>23 June 21st, 2022. Do you recognize this document?</p> <p>24 A Yes.</p> <p>25 Q To your knowledge, what is this document?</p>	<p style="text-align: right;">144</p> <p>1 L. Stidhum</p> <p>2 A There is a couple. So honestly, when you</p> <p>3 scroll down a little bit, I will be able to...</p> <p>4 Q I will represent to you in this document,</p> <p>5 among other things, you identify witnesses; do you</p> <p>6 see that?</p> <p>7 A Yes.</p> <p>8 Q You identify yourself, all employees,</p> <p>9 David Manrique and the four individual Defendants,</p> <p>10 right?</p> <p>11 A Yes.</p> <p>12 Q Why did you not list as witnesses the</p> <p>13 other three people we discussed; Brianna, Iris and</p> <p>14 Ali?</p> <p>15 A Honestly, those were conversations that</p> <p>16 were brief and, you know, about the situation at the</p> <p>17 time so I didn't really think that it would be very</p> <p>18 useful just because there was no evidence behind it,</p> <p>19 I guess you can say.</p> <p>20 MS. TROY: We will amend initial</p> <p>21 disclosures and send it to you.</p> <p>22 MR. KATAEV: Okay.</p> <p>23 BY MR. KATAEV:</p> <p>24 Q In here, you identify no documents that</p> <p>25 are relevant to the case, correct?</p>

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<p style="text-align: right;">145</p> <p>1 L. Stidhum</p> <p>2 A Right, I didn't have anything.</p> <p>3 Q In terms of producing documents, you</p> <p>4 reproduced the paystubs we produced to you and some</p> <p>5 information about your sonogram, correct?</p> <p>6 A Right.</p> <p>7 Q At the end of this, you state that a</p> <p>8 damage calculation will be provided, correct?</p> <p>9 A I'm sorry.</p> <p>10 Q At the end of this, you state a</p> <p>11 computation of the damages will be provided,</p> <p>12 correct?</p> <p>13 A Right.</p> <p>14 Q During the lunch break, without divulging</p> <p>15 the actual conversation you had, did you discuss</p> <p>16 your testimony with your attorney?</p> <p>17 A No.</p> <p>18 Q We were talking before about your</p> <p>19 cellphone and how you like to have the latest model</p> <p>20 and you most recently got one?</p> <p>21 A Right.</p> <p>22 MS. TROY: Um, objection.</p> <p>23 Mischaracterizes witness testimony but fine.</p> <p>24 BY MR. KATAEV:</p> <p>25 Q Whenever you obtained a new phone, you use</p>	<p style="text-align: right;">146</p> <p>1 L. Stidhum</p> <p>2 iCloud to restore the backup from your prior phone,</p> <p>3 right?</p> <p>4 A Sometimes. Once you lose certain access</p> <p>5 or if you have a two-factor identification, you</p> <p>6 can't get into the same iCloud account so that's</p> <p>7 pretty much what happened to me. I actually just</p> <p>8 made a new one again.</p> <p>9 Q You still have the old phone in your</p> <p>10 possession, correct?</p> <p>11 A No, I do not.</p> <p>12 Q What did you do with the old phone?</p> <p>13 A Honestly, I can't tell you what I did with</p> <p>14 if. I don't know if that's the one I gave to my</p> <p>15 great-grandmother. I'm not sure.</p> <p>16 Q We talked earlier about a Facebook post</p> <p>17 and I asked you questions about whether you posted</p> <p>18 anything about securing or obtaining millions of</p> <p>19 dollars in a lawsuit, correct?</p> <p>20 A Right.</p> <p>21 Q That post was not about your lawsuit</p> <p>22 against Hillside Auto Outlet, that post was about</p> <p>23 your mother's lawsuit, correct?</p> <p>24 A No, my stepfather. If this -- I'm not</p> <p>25 sure. I don't know what post we are talking about</p>
<p style="text-align: right;">147</p> <p>1 L. Stidhum</p> <p>2 specifically. Yes, my stepfather did obtain a</p> <p>3 couple of million dollars working for the Department</p> <p>4 of Sanitation.</p> <p>5 Q Were the attorneys representing your</p> <p>6 father in that lawsuit the same attorneys</p> <p>7 representing you here?</p> <p>8 A No.</p> <p>9 Q Was your mother ever involved in any</p> <p>10 lawsuit?</p> <p>11 A No.</p> <p>12 Q Your mother didn't have any lawsuit</p> <p>13 against Spectrum or Charter?</p> <p>14 A No.</p> <p>15 MS. TROY: Objection as to relevance.</p> <p>16 Q To your knowledge, did your mother ever</p> <p>17 make any claim without filing a lawsuit against</p> <p>18 Charter or Spectrum?</p> <p>19 A I don't believe so.</p> <p>20 Q Did the attorneys that -- did she hire</p> <p>21 attorneys to pursue that claim?</p> <p>22 A She ended up not pursuing it.</p> <p>23 Q Did the attorneys that she consult with</p> <p>24 include the current attorneys that you are utilizing</p> <p>25 for this lawsuit?</p>	<p style="text-align: right;">148</p> <p>1 L. Stidhum</p> <p>2 MS. TROY: Objection as to relevance. You</p> <p>3 may answer.</p> <p>4 A I believe she had a conference with them</p> <p>5 just to see if there was anything, but I'm not sure.</p> <p>6 MS. TROY: Objection to the extent you're</p> <p>7 prying into attorney/client privilege.</p> <p>8 Q Did you learn about this law firm through</p> <p>9 your mother?</p> <p>10 A No.</p> <p>11 Q How did you learn about Troy Law?</p> <p>12 A Google.</p> <p>13 Q What did you search for?</p> <p>14 A I don't know.</p> <p>15 MS. TROY: Objection to form as to</p> <p>16 relevance. She may answer.</p> <p>17 A I don't remember honestly. Attorneys near</p> <p>18 me maybe. There were a mile and a half away.</p> <p>19 Q You chose them because they were close by?</p> <p>20 A They were the first people I spoke to and</p> <p>21 they made me feel comfortable.</p> <p>22 Q I'm going to place up on the screen what</p> <p>23 has been marked as Defendant's Exhibit D.</p> <p>24 (Defendant's Exhibit D, Marked for Identification.)</p> <p>25</p>

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<p style="text-align: right;">149</p> <p>1 L. Stidhum</p> <p>2 BY MR. KATAEV:</p> <p>3 Q I will represent to you these are damage</p> <p>4 calculations that were produced on January 30, 2023.</p> <p>5 Do you recognize this document?</p> <p>6 A Yes.</p> <p>7 Q At the top left, your law firm's name and</p> <p>8 address is listed, correct?</p> <p>9 A Yes.</p> <p>10 Q It's titled, Damages Calculations,</p> <p>11 correct?</p> <p>12 A Yes.</p> <p>13 Q After that, there is a box where the case</p> <p>14 name, case number and the forum that it's in is</p> <p>15 listed, correct?</p> <p>16 MS. TROY: Objection. The document speaks</p> <p>17 for itself. You don't need to waste time over</p> <p>18 this.</p> <p>19 BY MR. KATAEV:</p> <p>20 Q You can answer.</p> <p>21 MS. TROY: She can answer the question.</p> <p>22 You're just wasting time. Go ahead, answer the</p> <p>23 question.</p> <p>24 A What is the question? If I see it? Yes,</p> <p>25 I see it.</p>	<p style="text-align: right;">150</p> <p>1 L. Stidhum</p> <p>2 Q It lists the case name and case number,</p> <p>3 correct?</p> <p>4 A Yes.</p> <p>5 Q After that, it shows the time period of</p> <p>6 December 1st of '18 through January 14th of '19,</p> <p>7 correct?</p> <p>8 A Yes.</p> <p>9 Q The calculated total number of weeks for</p> <p>10 that time period is listed as 6.43, right?</p> <p>11 A Yes.</p> <p>12 Q What you're saying is your total weekly</p> <p>13 pay prior to any discrimination averaged \$1,238.64,</p> <p>14 correct?</p> <p>15 A Yes.</p> <p>16 Q That's based the on actual paystubs which</p> <p>17 are listed below, which show all of your paystubs</p> <p>18 from May of '18 until January of '19, correct?</p> <p>19 A Yes.</p> <p>20 Q Right here is the calculation of that</p> <p>21 average and before you announced your pregnancy,</p> <p>22 correct?</p> <p>23 A Yes.</p> <p>24 Q After that is the calculation of your</p> <p>25 average after you announced your pregnancy, correct?</p>
<p style="text-align: right;">151</p> <p>1 L. Stidhum</p> <p>2 A Yes.</p> <p>3 Q So taking the difference between those two</p> <p>4 numbers, you came up --</p> <p>5 MS. TROY: Emanuel, this is not an</p> <p>6 arithmetic test.</p> <p>7 MR. KATAEV: Tiffany, stop interrupting.</p> <p>8 MS. TROY: You're like, A minus B, is that</p> <p>9 equal to C?</p> <p>10 MR. KATAEV: Stop interrupting my</p> <p>11 deposition. Stop. All you have to say is</p> <p>12 objection and grounds, that's it.</p> <p>13 MS. TROY: Objection.</p> <p>14 MR. KATAEV: Your objection is noted for</p> <p>15 the record. I'm going to proceed with my</p> <p>16 deposition.</p> <p>17 BY MR. KATAEV:</p> <p>18 Q The difference of \$428.64 is what you</p> <p>19 obtained when you subtract this \$1,238.64 number</p> <p>20 from the 810 number, correct?</p> <p>21 MS. TROY: Objection. My client is not</p> <p>22 going to be subject to an arithmetic test. If</p> <p>23 she knows how to do it by her brain --</p> <p>24 MR. KATAEV: I'm calling the court. I'm</p> <p>25 not dealing with this. We are going to put</p>	<p style="text-align: right;">152</p> <p>1 L. Stidhum</p> <p>2 everything you said on the record and we are</p> <p>3 calling the court. You will not interrupt my</p> <p>4 deposition.</p> <p>5 MS. TROY: You can tell the court that you</p> <p>6 asked her --</p> <p>7 MR. KATAEV: You can tell the court</p> <p>8 whatever you want. This is ridiculous.</p> <p>9 MS. TROY: I will make the objections that</p> <p>10 I need to make but I'm not going to interrupt</p> <p>11 your deposition. That's it.</p> <p>12 MR. KATAEV: Good. Please don't do it</p> <p>13 again. Say, Objection, and the basis and move</p> <p>14 on unless you're instructing her not to answer.</p> <p>15 BY MR. KATAEV:</p> <p>16 Q Ms. Stidhum, the difference between</p> <p>17 \$1,238.64 and \$810 is calculated as \$428.64,</p> <p>18 correct?</p> <p>19 A Yes.</p> <p>20 Q What happened is you take the \$428.64, you</p> <p>21 multiple that by the 6.43 weeks and you get a</p> <p>22 shortfall of \$2,755.54, correct?</p> <p>23 A Yes.</p> <p>24 Q You went over this chart with your</p> <p>25 attorneys, correct?</p>

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<p style="text-align: right;">153</p> <p>1 L. Stidhum</p> <p>2 A Yes.</p> <p>3 Q You listed this as your economic damages</p> <p>4 in this place, this place and this place, correct?</p> <p>5 MS. TROY: Objection. She did not herself</p> <p>6 list it.</p> <p>7 Q By and through you, correct?</p> <p>8 A Yes.</p> <p>9 Q Now you have here \$100,000 under the</p> <p>10 compensatory damages; do you see that?</p> <p>11 A Yes.</p> <p>12 Q Unlike the damages that we just went over,</p> <p>13 there is not calculation for the \$100,000, correct?</p> <p>14 A Yes.</p> <p>15 Q Where is the calculation for the \$100,000;</p> <p>16 where is that number coming from?</p> <p>17 A Honestly, that's something that has to be</p> <p>18 discussed with my attorney.</p> <p>19 Q The answer is you don't know?</p> <p>20 A I don't.</p> <p>21 Q Same question for the punitive damages,</p> <p>22 two million dollars in these three places; do you</p> <p>23 see that?</p> <p>24 A Yes.</p> <p>25 Q Where is that number coming from?</p>	<p style="text-align: right;">154</p> <p>1 L. Stidhum</p> <p>2 A That's something to discuss with my</p> <p>3 attorney.</p> <p>4 Q You don't know the answer, correct?</p> <p>5 A No.</p> <p>6 Q I'm placing up on the screen what will be</p> <p>7 marked as Defendant's Exhibit E. It's the Responses</p> <p>8 to Defendants' Interrogatories. Are you familiar</p> <p>9 with this document?</p> <p>10 (Defendant's Exhibit E, Marked for Identification.)</p> <p>11 MS. TROY: Scroll through the doc.</p> <p>12 A Yes.</p> <p>13 MS. TROY: Make it slightly bigger. We</p> <p>14 are having a hard time seeing it. Too big.</p> <p>15 MR. KATAEV: I don't need commentary.</p> <p>16 Thank you.</p> <p>17 BY MR. KATAEV:</p> <p>18 Q In the first interrogatory that was asked</p> <p>19 of you, we asked, Set forth with detail and with</p> <p>20 specific numerical calculation all categories of</p> <p>21 damages asserted by Plaintiff, correct?</p> <p>22 A Yes.</p> <p>23 Q In response, you directed us to the</p> <p>24 damages calculations that we just reviewed, correct?</p> <p>25 A Right.</p>
<p style="text-align: right;">155</p> <p>1 L. Stidhum</p> <p>2 Q But as we just went over, there are no</p> <p>3 calculations for the compensatory damages or the</p> <p>4 punitive damages, right?</p> <p>5 A Right.</p> <p>6 MS. TROY: Emanuel, that's factually</p> <p>7 incorrect.</p> <p>8 MR. KATAEV: We can take it up after the</p> <p>9 deposition. Please don't interrupt unless you</p> <p>10 have an objection. Thank you.</p> <p>11 BY MR. KATAEV:</p> <p>12 Q You identify over here, Ali in response to</p> <p>13 Interrogatory Number 2 which requests the identity</p> <p>14 of witnesses Ali Raskesnia. R-a-s-k-e-s-n-i-a.</p> <p>15 Do you see that?</p> <p>16 A Yes.</p> <p>17 Q This is the Ali with whom you went to NYC</p> <p>18 Motor Cars, correct?</p> <p>19 A Correct.</p> <p>20 Q Iris Serrano is the Iris we discussed</p> <p>21 earlier today, correct?</p> <p>22 A Yes.</p> <p>23 Q You say here that her address and phone</p> <p>24 number are unknown. Do you not maintain telephone</p> <p>25 contact with this individual?</p>	<p style="text-align: right;">156</p> <p>1 L. Stidhum</p> <p>2 A No.</p> <p>3 Q The last time you spoke to Iris was at the</p> <p>4 dealership, correct?</p> <p>5 A Not at the dealership. I do have her on</p> <p>6 Snapchat so we spoke here and there but not much.</p> <p>7 Q On Snapchat you discussed this case?</p> <p>8 A No. The only thing I did ask regarding</p> <p>9 this case was if she knew the last name of Lily.</p> <p>10 Q Understood. Did she give you the answer?</p> <p>11 A No, she wasn't sure what her last name</p> <p>12 was.</p> <p>13 Q In response to Interrogatory Number 7,</p> <p>14 which asks whether you ever complained to Hillside</p> <p>15 Auto Outlet about discriminatory conduct and to</p> <p>16 provide information about each such complaint. Your</p> <p>17 answer only provides information about your</p> <p>18 conversation with Isaac and Jory, correct?</p> <p>19 A I'm sorry, one more time.</p> <p>20 (Whereupon, the referred to question was read back</p> <p>21 by the reporter.)</p> <p>22 A Right.</p> <p>23 Q You did not provide any information about</p> <p>24 your alleged discussion with Ronald, correct?</p> <p>25 A Well, that wasn't a discussion about the</p>

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<p style="text-align: right;">157</p> <p>1 L. Stidhum</p> <p>2 discrimination -- the pregnancy discrimination.</p> <p>3 That was more about me telling him about the bonus.</p> <p>4 Q Is it fair to say that the bonus has</p> <p>5 nothing to do with your pregnancy?</p> <p>6 A No, because the bonus kind of played a</p> <p>7 part in it. My pregnancy was the reason for me kind</p> <p>8 of pushing to get this bonus to begin with.</p> <p>9 Q Why did you not list your conversation</p> <p>10 with Ronald in this response?</p> <p>11 A Honestly, it must have slipped my mind.</p> <p>12 Like I said, it was more of a conversation about the</p> <p>13 bonus and receiving that money for doing x amount of</p> <p>14 cars rather than the initial complaint of what was</p> <p>15 going on about the pregnancy discrimination.</p> <p>16 MR. KATAEV: I'm going to call for the</p> <p>17 Plaintiff to supplement her response to</p> <p>18 Interrogatory Number 7, and we will follow up</p> <p>19 in writing.</p> <p>20 (Counsel Request.)</p> <p>21 BY MR. KATAEV:</p> <p>22 Q For clarification, some of the dealerships</p> <p>23 that you worked at after Hillside Auto both had the</p> <p>24 name Luxury in them but they were two separate</p> <p>25 dealerships, correct?</p>	<p style="text-align: right;">158</p> <p>1 L. Stidhum</p> <p>2 A Correct.</p> <p>3 Q They are two different locations?</p> <p>4 A Yes. Two different locations, different</p> <p>5 owners.</p> <p>6 Q In response to Interrogatory 19, you only</p> <p>7 identify Queens Auto Mall incorrectly typed here as</p> <p>8 hall. You failed to include the other two that you</p> <p>9 denied positions for, correct?</p> <p>10 A Right, because honestly, it wasn't fresh</p> <p>11 in my mind.</p> <p>12 MR. KATAEV: We are going to call for</p> <p>13 Plaintiff to supplement her response to this</p> <p>14 interrogatory and we will follow up in writing.</p> <p>15 (Counsel Request.)</p> <p>16 BY MR. KATAEV:</p> <p>17 Q With respect to every position identified</p> <p>18 in response to Interrogatory Number 14, is it</p> <p>19 accurate to state that the pay you received at each</p> <p>20 of these dealerships was better than what you</p> <p>21 received at Hillside Auto Outlet?</p> <p>22 A Yes.</p> <p>23 Q If you have to give your best estimate as</p> <p>24 to the annual amount of money you would earn at</p> <p>25 Hillside Auto Outlet, how much would you say that</p>
<p style="text-align: right;">159</p> <p>1 L. Stidhum</p> <p>2 was?</p> <p>3 A Maybe like 60 or 70,000. I'm not sure. I</p> <p>4 didn't work there a full year.</p> <p>5 Q When you applied for unemployment both</p> <p>6 times, did you receive the unemployment for the full</p> <p>7 six-month period both times?</p> <p>8 A I believe so.</p> <p>9 Q Do you recall whether it was the capped</p> <p>10 amount?</p> <p>11 A I'm sorry.</p> <p>12 Q Do you recall whether it was the capped</p> <p>13 amount?</p> <p>14 A The first time I received it, yes. The</p> <p>15 other two times, it was not.</p> <p>16 Q Has any injury or disability prevented you</p> <p>17 from working during any period of time?</p> <p>18 A No.</p> <p>19 Q Have you ever filed for bankruptcy?</p> <p>20 A No.</p> <p>21 Q As far as you know, you were never</p> <p>22 terminated from any job?</p> <p>23 A Correct.</p> <p>24 Q During the time that you worked at</p> <p>25 Hillside Auto Outlet, there came a point in time</p>	<p style="text-align: right;">160</p> <p>1 L. Stidhum</p> <p>2 when you purchased a vehicle from the dealership,</p> <p>3 correct?</p> <p>4 A One more time.</p> <p>5 Q When you worked at Hillside Auto Outlet,</p> <p>6 you purchased a vehicle from the dealership,</p> <p>7 correct?</p> <p>8 A Correct.</p> <p>9 Q What car did you purchase?</p> <p>10 A Infiniti Q50.</p> <p>11 Q Do you still have that car?</p> <p>12 A No, I do not.</p> <p>13 Q What did you do with the car?</p> <p>14 MS. TROY: Objection as to relevance. She</p> <p>15 can answer.</p> <p>16 A It got totaled. I was rear-ended.</p> <p>17 Q I'm sorry.</p> <p>18 Did you obtain the vehicle from</p> <p>19 Hillside Auto Outlet on favorable terms?</p> <p>20 A On favorable terms, as in -- what do you</p> <p>21 mean by that?</p> <p>22 MS. TROY: Objection to form.</p> <p>23 Q By whatever favorable terms means to you?</p> <p>24 A No. After receiving the discovery, I was</p> <p>25 charged like every other customer. They made a</p>

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<p style="text-align: right;">161</p> <p>1 L. Stidhum</p> <p>2 couple of grand off of me.</p> <p>3 Q How much did you purchase the vehicle for?</p> <p>4 A I don't remember.</p> <p>5 Q Did you do financing?</p> <p>6 A Yes, I did.</p> <p>7 Q It was a used vehicle, correct?</p> <p>8 A Yes.</p> <p>9 MS. TROY: Objection as to relevance.</p> <p>10 Q Isn't it true that you complained to Isaac</p> <p>11 that the reason why Andris took so long to process</p> <p>12 employment applications -- I'm sorry, financing</p> <p>13 applications for customers is because he sucks?</p> <p>14 A I don't remember. This is --</p> <p>15 MS. TROY: Objection. Argumentative. She</p> <p>16 can answer.</p> <p>17 MR. KATAEV: Please don't interrupt her</p> <p>18 while she's answering.</p> <p>19 BY MR. KATAEV:</p> <p>20 Q Repeat your answer.</p> <p>21 A I don't remember.</p> <p>22 MR. KATAEV: Let the record reflect that</p> <p>23 the witness laughed at the question.</p> <p>24 I have placed up on the screen what will</p> <p>25 be marked as Defendants' Exhibit F.</p>	<p style="text-align: right;">162</p> <p>1 L. Stidhum</p> <p>2 (Defendant's Exhibit F, Marked for Identification.)</p> <p>3 BY MR. KATAEV:</p> <p>4 Q For the record, these are monthly sheets</p> <p>5 as to cars sold at the dealership using the CRM</p> <p>6 system. It's Bates-stamped D2 through D9. This</p> <p>7 particular set is for May of 2018.</p> <p>8 Ms. Stidhum, do you recognize this</p> <p>9 document?</p> <p>10 MS. TROY: Scroll through whatever pages</p> <p>11 you're talking about.</p> <p>12 MR. KATAEV: Sure. Let the record reflect</p> <p>13 that these activities are designed to waste</p> <p>14 time, to run the clock, as the Plaintiff has</p> <p>15 repeatedly make reference to the time of the</p> <p>16 deposition.</p> <p>17 MS. TROY: If you want to play it that</p> <p>18 way, let the record reflect you said you wanted</p> <p>19 to start at 9:00, you started at 9:30. You</p> <p>20 said you wanted a 30-minute lunch break, you</p> <p>21 took a 45-minute lunch break. You're asking</p> <p>22 questions that are irrelevant to this case.</p> <p>23 MR. KATAEV: Anything else?</p> <p>24 MS. TROY: That's it for now.</p> <p>25 MR. KATAEV: Let the record reflect that,</p>
<p style="text-align: right;">163</p> <p>1 L. Stidhum</p> <p>2 at Plaintiff's request and insistence, we</p> <p>3 scrolled through D2 through D9.</p> <p>4 BY MR. KATAEV:</p> <p>5 Q Are you ready to answer some questions</p> <p>6 about this exhibit?</p> <p>7 MS. TROY: Go back to the second page.</p> <p>8 Okay.</p> <p>9 BY MR. KATAEV:</p> <p>10 Q Ms. Stidhum, other than due to this</p> <p>11 lawsuit and in the course of discovery, have you</p> <p>12 ever seen this document while working at the</p> <p>13 dealership?</p> <p>14 A No.</p> <p>15 Q Did you have access to the sold log</p> <p>16 through the CRM system while you worked at the</p> <p>17 dealership?</p> <p>18 A I'm not sure. I didn't really use the</p> <p>19 CRM.</p> <p>20 Q In this sheet, it says that you sold a car</p> <p>21 to an individual named Robert Gantt on May 27, 2018;</p> <p>22 do you see that?</p> <p>23 A Yes.</p> <p>24 Q It says it was sold for \$12,600 and at the</p> <p>25 front, it says negative 586 and at the back is 2011;</p>	<p style="text-align: right;">164</p> <p>1 L. Stidhum</p> <p>2 do you see that?</p> <p>3 A Yes.</p> <p>4 Q By the front, that refers to the gross</p> <p>5 commissionable profit on the front end of the sale</p> <p>6 for the actual vehicle, correct?</p> <p>7 A Yes.</p> <p>8 Q On the back, that refers to any</p> <p>9 aftermarket items sold, whether it's something for</p> <p>10 the car or something like insurance or protection or</p> <p>11 warranty and stuff like that, correct?</p> <p>12 A Yes.</p> <p>13 Q On this particular deal, it was sold at a</p> <p>14 loss, correct?</p> <p>15 A Yes.</p> <p>16 Q You received \$150 for selling this car,</p> <p>17 correct?</p> <p>18 A Yes.</p> <p>19 Q But you didn't receive any bonus for this</p> <p>20 particular car, correct?</p> <p>21 A When you say bonus, I'm not sure what you</p> <p>22 mean by bonus.</p> <p>23 Q If I understand correctly for you to</p> <p>24 receive that 5 percent bonus, this number on the</p> <p>25 front end has to be \$3,000 or \$3,500 or more,</p>

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<p style="text-align: right;">165</p> <p>1 L. Stidhum</p> <p>2 correct?</p> <p>3 MS. TROY: Objection. Mischaracterizes</p> <p>4 witness testimony.</p> <p>5 A The total between the front and back would</p> <p>6 have to equal that, yes.</p> <p>7 Q You have to add the two, correct?</p> <p>8 A Yes.</p> <p>9 Q The next car that's listed as sold by you</p> <p>10 in May of 2018 is a vehicle sold to one Darell</p> <p>11 Thomas on May 25th of 2018; do you see that?</p> <p>12 A Yes.</p> <p>13 Q But there is no information here about the</p> <p>14 front or back or the sold amount, correct?</p> <p>15 A Right.</p> <p>16 Q The third vehicle listed that's sold by</p> <p>17 you is to one John Collado, correct?</p> <p>18 A Yes.</p> <p>19 Q There was May 24th of 2018, correct?</p> <p>20 A Yes.</p> <p>21 Q On this particular sale the front and the</p> <p>22 back had a profit of \$1,628 and \$1,857 respectively,</p> <p>23 correct?</p> <p>24 A Yes.</p> <p>25 Q With the calculator I have on the screen</p>	<p style="text-align: right;">166</p> <p>1 L. Stidhum</p> <p>2 calculating the total between the two, that comes</p> <p>3 out to \$3,485, correct?</p> <p>4 A Right.</p> <p>5 Q What you're saying is your bonus would be</p> <p>6 5 percent of that amount for a total of \$174.25; is</p> <p>7 that right?</p> <p>8 A Right. It wouldn't be a bonus to the</p> <p>9 \$150. It was just that \$174.25 total.</p> <p>10 Q It would be \$150 for making the sale plus</p> <p>11 \$174.25?</p> <p>12 A No. That's what I'm trying to clarify.</p> <p>13 It would be the \$174.25.</p> <p>14 Q Whenever you made more, you get 5 percent</p> <p>15 in lieu of the actual \$150 commission?</p> <p>16 A Right. If you do \$3,000, that's</p> <p>17 5 percent, it would be \$150.</p> <p>18 Q For this particular deal, you do receive</p> <p>19 \$174.25 instead of \$150, correct?</p> <p>20 A Yes.</p> <p>21 Q You know that because you referred to a</p> <p>22 sheet that was given to you in triplicate and you</p> <p>23 threw that sheet out after you confirmed that you</p> <p>24 were paid the right amount, correct?</p> <p>25 A That's false actually. I wouldn't receive</p>
<p style="text-align: right;">167</p> <p>1 L. Stidhum</p> <p>2 anything that showed the actual pay for the</p> <p>3 5 percent. It was just -- it would reflect on my</p> <p>4 paystub.</p> <p>5 Q I see. On that sheet, would it list the</p> <p>6 front and back end gross commissionable profit?</p> <p>7 A No. It would reflect on my paystub.</p> <p>8 Q How would you know whether you would be</p> <p>9 entitled to a 5 percent bonus on top of -- in lieu</p> <p>10 of \$150 -- higher than \$150?</p> <p>11 A I just started in the business so I kind</p> <p>12 of took their word for it. Jay was very honest with</p> <p>13 us. She would make sure that we were paid correctly</p> <p>14 all the time. After that, it's obvious -- you can</p> <p>15 tell the difference between being paid \$174.25 and</p> <p>16 the flat \$150.</p> <p>17 Q I see. Could it be possible you didn't</p> <p>18 sell any vehicles at a profit?</p> <p>19 A No, that's impossible because I remember</p> <p>20 on multiple occasions where Serge would be excited</p> <p>21 that I did a ten-pounder, which is a \$10,000 deal</p> <p>22 and I would still receive \$150 flat. That's</p> <p>23 impossible.</p> <p>24 Q We just scrolled through all of the May of</p> <p>25 2018 and they were only three or four cars sold. Is</p>	<p style="text-align: right;">168</p> <p>1 L. Stidhum</p> <p>2 it accurate that you only sold four cars in May of</p> <p>3 '18?</p> <p>4 A I don't believe that's accurate, but then</p> <p>5 again, I did just start that month so it's a</p> <p>6 possibility. I know that this document I've looked</p> <p>7 over it, I went and checked how many cars it showed</p> <p>8 that I sold and it's not accurate at all.</p> <p>9 Q What makes you say it's not accurate?</p> <p>10 A Because even the amounts of cars sold is</p> <p>11 not the right number. None of it is the right</p> <p>12 numbers. If you look back at when I first received</p> <p>13 the 1,000 pages, I went -- I calculated based on my</p> <p>14 paystubs without the 5 percent how many cars did I</p> <p>15 sell for each month and how many cars it shows on</p> <p>16 that document you just showed me, which is only</p> <p>17 input by BDC and it definitely is not accurate.</p> <p>18 Q At the top of page D2 next to the word,</p> <p>19 Sold log, it has in parenthesis the number 46; do</p> <p>20 you see that?</p> <p>21 A Yes.</p> <p>22 Q My understanding is this is listing the</p> <p>23 total amount of cars sold in May of 2018, correct?</p> <p>24 A Correct.</p> <p>25 Q You're saying that this number is not</p>

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<p style="text-align: right;">169</p> <p>1 L. Stidhum</p> <p>2 accurate?</p> <p>3 A I can't say for May of 2018 because I just</p> <p>4 started that month and it was towards the middle of</p> <p>5 the month and I was not there for the full month,</p> <p>6 but I can confirm that months moving on, those</p> <p>7 numbers do not add up to the numbers I have based on</p> <p>8 my paystubs. Even in the mediation that we had, you</p> <p>9 said that this might not be everything, so I know</p> <p>10 for sure it is not.</p> <p>11 Q To your knowledge, how did the dealership</p> <p>12 keep track of the total vehicles sold every month?</p> <p>13 A Like I stated before, we had a board in</p> <p>14 the finance room where we would have the list of all</p> <p>15 the salespeople and they would tally every time they</p> <p>16 sold a car, and that's how we kept track of how many</p> <p>17 cars we had for the month. There was never a set</p> <p>18 log that was written down by anyone or nothing like</p> <p>19 that.</p> <p>20 Q At the end of the month before starting a</p> <p>21 new month chart before erasing all the data for the</p> <p>22 month, did anyone ever take a picture of the board?</p> <p>23 A Not to my knowledge.</p> <p>24 Q I'm going to mark what will be Defendant's</p> <p>25 Exhibit G.</p>	<p style="text-align: right;">170</p> <p>1 L. Stidhum</p> <p>2 (Defendant's Exhibit G, Marked for Identification.)</p> <p>3 BY MR. KATAEV:</p> <p>4 Q It is the same type of report for December</p> <p>5 of 2018 from D62 through D67. On this first page it</p> <p>6 says the total sold in December '18 is 36 cars,</p> <p>7 correct?</p> <p>8 A Yes.</p> <p>9 Q Is that accurate, to your knowledge?</p> <p>10 A Honestly, I'm not sure because, again,</p> <p>11 like I said, I compared the documents and it doesn't</p> <p>12 look like these -- this log shows everything whether</p> <p>13 it was a walk-in customer or a appointment. It</p> <p>14 doesn't look like it shows everything.</p> <p>15 Q Looking at page D65. There are two cars</p> <p>16 that you sold to two different people on the same</p> <p>17 day, December 10th of 2018, correct?</p> <p>18 A Yes.</p> <p>19 Q How was it that you were able to sell two</p> <p>20 cars in a single day?</p> <p>21 A I don't understand the question. I have</p> <p>22 sold six cars in a day.</p> <p>23 Q In this particular instance with respect</p> <p>24 to Monica Hampton, for example, was Andris Guzman</p> <p>25 the individual who helped you with the financing?</p>
<p style="text-align: right;">171</p> <p>1 L. Stidhum</p> <p>2 A I don't recall. It does say, Pending</p> <p>3 delivery. This doesn't mean that I sold them both</p> <p>4 on the say same.</p> <p>5 Q What about Prince Henston, do you recall</p> <p>6 whether Andris Guzman was the individual that helped</p> <p>7 you with the financing aspect?</p> <p>8 A This is four years ago. I don't know who</p> <p>9 did what.</p> <p>10 Q The following page, D66, there are two</p> <p>11 additional cars that were sold on or about</p> <p>12 December 6 and 8, correct?</p> <p>13 A Right.</p> <p>14 Q Finally on the last page, D67, there is a</p> <p>15 fifth car that was sold on December 1st of 2018,</p> <p>16 correct?</p> <p>17 A Correct.</p> <p>18 Q It's fair to say you sold at least five</p> <p>19 cars in December of 2018?</p> <p>20 A I guess so, based on this.</p> <p>21 Q Do you recall whether you sold more than</p> <p>22 five cars in December of '18?</p> <p>23 A Again, I'm not sure because it was such a</p> <p>24 long time ago. I don't want to sit here and lie,</p> <p>25 but I don't remember selling -- I remember that I</p>	<p style="text-align: right;">172</p> <p>1 L. Stidhum</p> <p>2 was very upset because I was probably selling one or</p> <p>3 two cars a week so this may be accurate.</p> <p>4 Q Didn't you testify previously that you</p> <p>5 typically sold seven cars a month?</p> <p>6 A No. Seven cars a week.</p> <p>7 Q What was the least amount of cars you sold</p> <p>8 prior to December of '18 prior to your recollection?</p> <p>9 A Again, it's a long time ago. I'm not</p> <p>10 going to give you fake numbers. I know for sure it</p> <p>11 was seven cars a week because if we do seven times</p> <p>12 \$150 plus that \$300, I would receive a check for</p> <p>13 \$1,050 and that was usually my goal for the week so</p> <p>14 that way I can bring home at least \$800 to \$900</p> <p>15 bucks.</p> <p>16 Q I have placed up on the screen what will</p> <p>17 be marked as Defendant's Exhibit H.</p> <p>18 (Defendant's Exhibit H, Marked for Identification.)</p> <p>19 BY MR. KATAEV:</p> <p>20 Q My question to you is: Have you ever</p> <p>21 seen --</p> <p>22 MS. TROY: Did you skip some numbers from</p> <p>23 the exhibit?</p> <p>24 MR. KATAEV: No.</p> <p>25 MS. TROY: Okay, this is Exhibit H.</p>

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<p style="text-align: right;">173</p> <p>1 L. Stidhum</p> <p>2 MR. KATAEV: Yes.</p> <p>3 BY MR. KATAEV:</p> <p>4 Q Have you ever seen a document like this</p> <p>5 before? It's called cap sheet?</p> <p>6 A No.</p> <p>7 MR. KATAEV: Let's mark this as</p> <p>8 Defendant's Exhibit I, I believe.</p> <p>9 (Defendant's Exhibit I, Marked for Identification.)</p> <p>10 BY MR. KATAEV:</p> <p>11 Q I will represent to you that this is a</p> <p>12 declaration prepared by Serge and signed by him.</p> <p>13 Have you ever seen this document before?</p> <p>14 A Yes, I did.</p> <p>15 Q Serge says here in Paragraph one that he</p> <p>16 has served as an F&I representative since November</p> <p>17 of 2018; do you see that?</p> <p>18 A Yes.</p> <p>19 Q Does that comport with your recollection</p> <p>20 as to when he started working there?</p> <p>21 A I thought it was a little sooner after Jay</p> <p>22 left.</p> <p>23 Q He says here in Paragraph six that</p> <p>24 whenever the Plaintiff or any other salesperson</p> <p>25 makes a sale, the customer's information is provided</p>	<p style="text-align: right;">174</p> <p>1 L. Stidhum</p> <p>2 to the sales manager or him, whoever is available</p> <p>3 and has authorization to pull the prospective</p> <p>4 customer's credit profile; do you see that?</p> <p>5 A Yes.</p> <p>6 Q That comports with your earlier testimony</p> <p>7 that typically Andris would handle it but sometimes</p> <p>8 he would, right?</p> <p>9 A Right.</p> <p>10 Q Paragraph seven says that once the credit</p> <p>11 profile is pulled, the customer's application to</p> <p>12 purchase a vehicle is submitted to chosen lenders;</p> <p>13 do you see that?</p> <p>14 A Yes.</p> <p>15 Q Do you know what is meant by, Chosen</p> <p>16 lenders?</p> <p>17 A Yes. Qualifying, they have to qualify the</p> <p>18 customer based on their credit history.</p> <p>19 Q There are different banks that accept</p> <p>20 different types of customers with different types of</p> <p>21 credit histories, correct?</p> <p>22 A Correct.</p> <p>23 MS. TROY: Can you speak slower?</p> <p>24 MR. KATAEV: Sure.</p> <p>25 MS. TROY: I'm having difficulty</p>
<p style="text-align: right;">175</p> <p>1 L. Stidhum</p> <p>2 following.</p> <p>3 BY MR. KATAEV:</p> <p>4 Q In Paragraph eight, Serge declares that</p> <p>5 the timeframe to receive any word back from a chosen</p> <p>6 lender, which is also based on a customer's credit</p> <p>7 worthiness, ranges from ten minutes to one hour; do</p> <p>8 you see that?</p> <p>9 A Yes, I do.</p> <p>10 Q You have no reason to dispute that,</p> <p>11 correct?</p> <p>12 A I mean --</p> <p>13 MS. TROY: Objection. Argumentative. She</p> <p>14 can answer.</p> <p>15 A I mean, honestly, most approvals are</p> <p>16 almost instant. I can't agree as long as one hour.</p> <p>17 Q Has it ever been one hour since submitting</p> <p>18 something to a chosen lender?</p> <p>19 A Honestly from my experiences, an hour, no.</p> <p>20 Q Your experience is limited to the time</p> <p>21 when you had access to Dealertrack, correct?</p> <p>22 A Yes.</p> <p>23 Q You had access to Dealertrack since what</p> <p>24 month in 2018?</p> <p>25 A I want to say towards the end -- after Jay</p>	<p style="text-align: right;">176</p> <p>1 L. Stidhum</p> <p>2 left but I don't know how soon after.</p> <p>3 Q That was somewhere in July or August of</p> <p>4 '18, correct?</p> <p>5 A Yes.</p> <p>6 Q That was taken away from you in December</p> <p>7 of '18, correct?</p> <p>8 A Yes.</p> <p>9 Q That's approximately two months, right?</p> <p>10 MS. TROY: Objection. You need to do your</p> <p>11 math properly.</p> <p>12 A It's four or five months.</p> <p>13 Q How many submissions did you make to</p> <p>14 lenders in the four or five months that you had</p> <p>15 Dealertrack access?</p> <p>16 A I didn't make submissions to lenders. I</p> <p>17 would run the credit and qualify them myself and</p> <p>18 prefill the application, so that way when it got to</p> <p>19 finance, whether it was Isaac or Serge, all they had</p> <p>20 to do was read over it, make sure I didn't make a</p> <p>21 mistake, check out their credit, submit the deal.</p> <p>22 Everything would be done.</p> <p>23 Q When you submit the deal, that's when you</p> <p>24 have to wait for the lender to get back, right?</p> <p>25 A Like I said, approvals are almost instant.</p>

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<p style="text-align: right;">177</p> <p>1 L. Stidhum</p> <p>2 Everything is done electronically.</p> <p>3 Q You're saying that every time you submit a</p> <p>4 deal, a bank gets back instantly every single time?</p> <p>5 MS. TROY: Objection. Mischaracterizes</p> <p>6 witness testimony. She can answer.</p> <p>7 A Again, I didn't submit it to the lender.</p> <p>8 I only ran the credit, prefilled the application,</p> <p>9 would give the folder to the finance. Most of the</p> <p>10 time, I would stand right over him and wait and see</p> <p>11 who is going to pick it up, yes. The approvals were</p> <p>12 almost instant.</p> <p>13 Q Since you didn't submit it, you had no</p> <p>14 independent knowledge as to how long it took,</p> <p>15 correct?</p> <p>16 A That's incorrect. I had access to</p> <p>17 Dealertrack so I was able to see when the deal got</p> <p>18 approved or did not get approved.</p> <p>19 Q Is there any data as far as you know</p> <p>20 that's kept in Dealertrack as to how long each deal</p> <p>21 takes from submission to response?</p> <p>22 A No.</p> <p>23 Q Paragraph nine, Serge declares that this</p> <p>24 timeframe of submission is completely outside the</p> <p>25 control of himself or any sales manager who pulls a</p>	<p style="text-align: right;">178</p> <p>1 L. Stidhum</p> <p>2 credit profile and is further dependent on the</p> <p>3 amount of verification requested by each chosen</p> <p>4 lender, which is also completely outside the control</p> <p>5 of himself or any sales manager; do you see that?</p> <p>6 A Yes.</p> <p>7 Q Do you agree that it's outside the control</p> <p>8 of the sales manager, you know, the contents of this</p> <p>9 paragraph?</p> <p>10 A Partially, because my argument was not</p> <p>11 whether or not the lender is taking x amount of</p> <p>12 time. It was about my customer's credit being ran</p> <p>13 and qualifying the customers within a certain amount</p> <p>14 of time so that's not properly worded.</p> <p>15 Q What you're saying is what took longer is</p> <p>16 the part before this part?</p> <p>17 A Right.</p> <p>18 Q Okay. In order to complete the part</p> <p>19 before this part, you have to obtain information</p> <p>20 from the customer, correct?</p> <p>21 A Right.</p> <p>22 Q Sometimes the customer does not have all</p> <p>23 of the information, correct?</p> <p>24 A Right.</p> <p>25 MS. TROY: Objection. Asked and answered.</p>
<p style="text-align: right;">179</p> <p>1 L. Stidhum</p> <p>2 Q It says in Paragraphs 12 through 14 the</p> <p>3 following, During the time Plaintiff worked here, I</p> <p>4 worked closely with her as well as all the other</p> <p>5 salespersons. Everybody liked each other and</p> <p>6 treated each other well. There was no animosity</p> <p>7 amongst the salespeople, myself or nor sales</p> <p>8 managers; is that true?</p> <p>9 A Right up until the announcement of my</p> <p>10 pregnancy, of course.</p> <p>11 Q Of course. What about the fact that you</p> <p>12 and Andris Guzman had two prior incidents where you</p> <p>13 got into an argument before you announced your</p> <p>14 pregnancy?</p> <p>15 A Again, we still we kept it very</p> <p>16 professional. It's not somewhere where you're going</p> <p>17 to be bickering back and forth in front of potential</p> <p>18 customers.</p> <p>19 Q Number 19 says, if a customer was forced</p> <p>20 to wait, the only reason for that would be based on</p> <p>21 circumstances outside of the dealership's control</p> <p>22 such as the failure of the customer to provide</p> <p>23 necessary information to the lender or because the</p> <p>24 lender requested additional documentation or simply</p> <p>25 because the dealership had to wait for the lender's</p>	<p style="text-align: right;">180</p> <p>1 L. Stidhum</p> <p>2 response.</p> <p>3 Do you have any reason to dispute</p> <p>4 that statement?</p> <p>5 A No.</p> <p>6 Q Finally at the end it says, In the course</p> <p>7 of the last four years working at the dealership,</p> <p>8 customers have waited to obtain information</p> <p>9 concerning approvals from 20 minutes until three</p> <p>10 hours on average.</p> <p>11 Do you have any reason to dispute</p> <p>12 that statement?</p> <p>13 A I have never seen it go as long as three</p> <p>14 hours, but...</p> <p>15 Q What is the longest you have seen a</p> <p>16 customer wait to get a deal done?</p> <p>17 A Probably, like -- I'm talking about wait</p> <p>18 times between him actually doing anything with my</p> <p>19 customer. That's what I'm talking about. I'm not</p> <p>20 talking about in general the total amount of buying</p> <p>21 a car. It's two different things we are talking</p> <p>22 about here. He's speaking about overall car</p> <p>23 purchase.</p> <p>24 Q That's a fair distinction, but does the</p> <p>25 customer know?</p>

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<p style="text-align: right;">181</p> <p>1 L. Stidhum</p> <p>2 MS. TROY: Objection. Argumentative.</p> <p>3 A I'm sorry.</p> <p>4 Q Does the customer know?</p> <p>5 A Does the customer know what?</p> <p>6 Q That there is a distinction between</p> <p>7 waiting for their credit to be pulled versus</p> <p>8 submitting it to the bank?</p> <p>9 A Absolutely. When your credit is pulled</p> <p>10 and you're qualified for a customer, you're told to</p> <p>11 start working on insurance, which can take up to --</p> <p>12 anywhere from ten minutes to an hour. Yes, the</p> <p>13 customer would know because immediately they are</p> <p>14 like, are we approved, are we wasting our time.</p> <p>15 Once I get the folder, I expect to respond to my</p> <p>16 customers and say, we are going to get this done,</p> <p>17 let's work on insurance.</p> <p>18 Q In general, the whole car-buying process</p> <p>19 sometimes takes hours, right?</p> <p>20 A It can.</p> <p>21 MS. TROY: Objection. Argumentative. I'm</p> <p>22 going to direct my client to please wait if I</p> <p>23 have an objection or not because she's</p> <p>24 immediately answering your question.</p> <p>25</p>	<p style="text-align: right;">182</p> <p>1 L. Stidhum</p> <p>2 BY MR. KATAEV:</p> <p>3 Q You can answer now.</p> <p>4 A It can take up to -- it can take longer,</p> <p>5 but for the most part, we work relatively quick. So</p> <p>6 I'm speaking based on my experience, we would move</p> <p>7 pretty quickly because we were a store that would</p> <p>8 get a lot of walk-in traffic. I would want to grab</p> <p>9 two or three customers at a time.</p> <p>10 Q What is the fastest that you ever</p> <p>11 processed the deal for a transaction?</p> <p>12 MS. TROY: Objection. Specify timeframe.</p> <p>13 Q Whenever you worked at Hillside Auto</p> <p>14 Outlet.</p> <p>15 A I mean, getting them in and out the door,</p> <p>16 probably within an hour or less. I have had</p> <p>17 instances where I have gotten people out and in</p> <p>18 their car, registered and everything, in less than</p> <p>19 an hour.</p> <p>20 Q How often does that happen?</p> <p>21 A I work relatively quick. I would want to</p> <p>22 say maybe 40 to 50 percent. It's very rare I have</p> <p>23 customers waiting for hours.</p> <p>24 Q Very impressive. I don't think that's the</p> <p>25 world's perception of how long it takes a car deal</p>
<p style="text-align: right;">183</p> <p>1 L. Stidhum</p> <p>2 to go through, but very impressive.</p> <p>3 MS. TROY: No need to do your commentary.</p> <p>4 Ask your question.</p> <p>5 MR. KATAEV: Do you have an objection,</p> <p>6 Counselor?</p> <p>7 MS. TROY: You were not asking a question.</p> <p>8 You're making a commentary and talking to my</p> <p>9 client.</p> <p>10 MR. KATAEV: Do you have an objection?</p> <p>11 MS. TROY: Again, you can tell the judge.</p> <p>12 You're talking directly to my client and not</p> <p>13 asking a question.</p> <p>14 MR. KATAEV: I'm making sanctions against</p> <p>15 you for interrupting my deposition.</p> <p>16 MS. TROY: For telling you not to speak</p> <p>17 directly to my client?</p> <p>18 MR. KATAEV: Anything other than object</p> <p>19 and state the grounds. Please stop</p> <p>20 interrupting my deposition.</p> <p>21 MS. TROY: I'm objecting. It's not a</p> <p>22 question. You're talking to my client.</p> <p>23 MR. KATAEV: Say, Objection, you're</p> <p>24 talking to my client and shut up.</p> <p>25 MS. TROY: Let the record reflect you told</p>	<p style="text-align: right;">184</p> <p>1 L. Stidhum</p> <p>2 me to shut up.</p> <p>3 MR. KATAEV: You are interrupting my</p> <p>4 deposition and I want you to stop. I'm tired</p> <p>5 of this problem with you. Please conduct</p> <p>6 yourself the way you're supposed to conduct</p> <p>7 yourself at a deposition.</p> <p>8 MS. TROY: Telling another counselor to</p> <p>9 shut up is not professional.</p> <p>10 MR. KATAEV: Okay.</p> <p>11 BY MR. KATAEV:</p> <p>12 Q I'm placing up on the screen what has been</p> <p>13 marked as Defendants's J. I will represent to you</p> <p>14 that this a document bearing Bates-stamp numbers</p> <p>15 D151 through D157.</p> <p>16 (Defendant's Exhibit J, Marked for Identification.)</p> <p>17 BY MR. KATAEV:</p> <p>18 Q It concerns the lead for an individual</p> <p>19 named Charles Clark. Do you recognize that</p> <p>20 individual?</p> <p>21 A No.</p> <p>22 Q On D151 it says here, Working with</p> <p>23 Leticia; do you see that?</p> <p>24 A Yes.</p> <p>25 Q In status, there is multiple statuses</p>

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<p style="text-align: right;">185</p> <p>1 L. Stidhum</p> <p>2 listed but two of them are lost, correct?</p> <p>3 A Right.</p> <p>4 Q What does that mean to you that the status</p> <p>5 of a lead is lost?</p> <p>6 A That they either didn't want to come in or</p> <p>7 they purchased it elsewhere. The lead was lost.</p> <p>8 Q Typically in this program, there is a log</p> <p>9 of everything that happened with this lead, correct?</p> <p>10 A I guess, yes.</p> <p>11 Q Let's look at the log. Starting from the</p> <p>12 bottom of page D157, there is a inbound phonecall by</p> <p>13 Aditia on March 17, 2021, correct?</p> <p>14 A Okay.</p> <p>15 Q You see that?</p> <p>16 A Yes.</p> <p>17 MS. TROY: Objection as to timeframe.</p> <p>18 Objection to relevance.</p> <p>19 Q We will skip this one.</p> <p>20 MR. KATAEV: Let the record reflect that</p> <p>21 for this particular lead, it's a customer that</p> <p>22 returned after December 2018. A lead was lost.</p> <p>23 The information from December 2018 is not</p> <p>24 listed.</p> <p>25</p>	<p style="text-align: right;">186</p> <p>1 L. Stidhum</p> <p>2 BY MR. KATAEV:</p> <p>3 Q The next exhibit is Defendant's Exhibit J,</p> <p>4 I believe and it's Bates-stamped D201 through D206.</p> <p>5 For this particular lead, on D201, the manager is</p> <p>6 listed as Andris Guzman, correct?</p> <p>7 A Yes.</p> <p>8 Q Going all the way to the bottom on</p> <p>9 January 11th of 2019, Tiffany listed that this</p> <p>10 customer is interested and will be here tomorrow any</p> <p>11 time from 10:00 to 2:00?</p> <p>12 MS. TROY: Objection. The document speaks</p> <p>13 for itself.</p> <p>14 A Yes.</p> <p>15 Q On January 12th of 2019, there is a</p> <p>16 listing that says the showroom visit started on</p> <p>17 January 12th at 10:45 a.m. lasting six hours; do you</p> <p>18 see that?</p> <p>19 A Yes.</p> <p>20 MS. TROY: Objection. Document speaks for</p> <p>21 itself.</p> <p>22 Q Is that common that a showroom visit can</p> <p>23 last up to six hours without a sale being made?</p> <p>24 A BDC is in the back so they do not see what</p> <p>25 is going on in the front so they have to come out,</p>
<p style="text-align: right;">187</p> <p>1 L. Stidhum</p> <p>2 grab the book where customers were logged and then</p> <p>3 they can log them.</p> <p>4 So realistically was that customer</p> <p>5 there for six hours, absolutely not. She ended up</p> <p>6 logging it in after she saw what happened after she</p> <p>7 was able to communicate with whatever salesperson</p> <p>8 was working with them so that way she can log them</p> <p>9 in. That is not realistic.</p> <p>10 Q Do you have any recollection as to why</p> <p>11 this particular lead was lost?</p> <p>12 A No, I do not.</p> <p>13 Q Let's go to Defendant's Exhibit K. This</p> <p>14 is Bates-stamped D249 and it ends with D254.</p> <p>15 (Defendant's Exhibit K, Marked for Identification.)</p> <p>16 BY MR. KATAEV:</p> <p>17 Q At the top of this on January 1, 2019, it</p> <p>18 says that the customer is here now with Leticia,</p> <p>19 correct?</p> <p>20 A Yes.</p> <p>21 Q Then it says the showroom visit started on</p> <p>22 January 1st of '19 at 4:15 p.m. and lasted for</p> <p>23 22 hours.</p> <p>24 A That goes to show it depends on when the</p> <p>25 BDC rep decides to come and check on their customer</p>	<p style="text-align: right;">188</p> <p>1 L. Stidhum</p> <p>2 and log it in.</p> <p>3 Q It says here at 5:15, an hour after the</p> <p>4 showroom visit started that, Going out under dad</p> <p>5 Antonio Yanes; do you see that?</p> <p>6 A Okay.</p> <p>7 Q What does that mean to you?</p> <p>8 A He needed a cosigner and he did it under</p> <p>9 his father.</p> <p>10 Q The customer left, as far as you could</p> <p>11 tell from reading this document, without buying the</p> <p>12 vehicle, correct?</p> <p>13 A It's hard to say because if it went out</p> <p>14 under Antonio, there would be a new lead set up</p> <p>15 under Antonio.</p> <p>16 Q Over here on January 8 of '19, it says</p> <p>17 that you made an outbound phonecall to him, correct?</p> <p>18 A Yes.</p> <p>19 Q How is that tracked? How did they know</p> <p>20 you made an outbound phonecall?</p> <p>21 A I have no idea. You can log a call and</p> <p>22 then put what representative or who made that</p> <p>23 contact so I don't remember this.</p> <p>24 Q It says here on January 26th that this</p> <p>25 lead was lost, correct?</p>

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<p style="text-align: right;">189</p> <p>1 L. Stidhum</p> <p>2 A Yes.</p> <p>3 Q There were emails sent just to try to</p> <p>4 bring the customer back in and none of that worked,</p> <p>5 correct?</p> <p>6 MS. TROY: Objection. Goes beyond what</p> <p>7 the witness would know. She can answer.</p> <p>8 A Then again, there is a note there that</p> <p>9 said that it went out under the dad. If it says it</p> <p>10 went out under the dad, that means the car was</p> <p>11 delivered under the father's name.</p> <p>12 Q Are you saying that they marked the lead</p> <p>13 as lost and that's incorrect?</p> <p>14 A Possibly, because it says it went out</p> <p>15 under the dad. If we are going to write that it</p> <p>16 went out under the dad, that means he did not</p> <p>17 qualify so his father purchased the vehicle for him.</p> <p>18 Q It's possible that he did, correct?</p> <p>19 A I'm sorry.</p> <p>20 Q It's possible that he did, correct?</p> <p>21 A I mean, it wouldn't be there in a note if</p> <p>22 it wasn't true.</p> <p>23 Q Let's look at Defendant's Exhibit L. This</p> <p>24 is Bates-stamped D288 through D293.</p> <p>25 (Defendant's Exhibit L, Marked for Identification.)</p>	<p style="text-align: right;">190</p> <p>1 L. Stidhum</p> <p>2 BY MR. KATAEV:</p> <p>3 Q Starting from the bottom, there is a note</p> <p>4 here that on December 10th of '18, an appointment</p> <p>5 was set for December 10, right?</p> <p>6 A Yes.</p> <p>7 Q There is another text message here from</p> <p>8 one of the BDC people to come with proof of address</p> <p>9 and two recent paystubs if available, right?</p> <p>10 A Yes.</p> <p>11 MS. TROY: Objection. Document speaks for</p> <p>12 itself.</p> <p>13 Q On the same day later that day, it says</p> <p>14 the customer was here with you, correct?</p> <p>15 A Yes.</p> <p>16 Q The next item in the log is outbound</p> <p>17 phonecalls by you and two days later another by the</p> <p>18 BDC rep, right?</p> <p>19 A Right.</p> <p>20 Q As far as you can tell from this document</p> <p>21 so far, this customer did not purchase any vehicle,</p> <p>22 correct?</p> <p>23 A Right.</p> <p>24 Q On December 15th based on a phonecall by</p> <p>25 the BDC rep, the customer said he needed money down</p>
<p style="text-align: right;">191</p> <p>1 L. Stidhum</p> <p>2 and wouldn't be ready until February, correct?</p> <p>3 A Yes.</p> <p>4 Q At least this customer didn't leave</p> <p>5 because of your waiting to check creditworthiness,</p> <p>6 correct?</p> <p>7 A From what we can tell at least.</p> <p>8 Q The reason he knows he needs money down is</p> <p>9 because his credit was checked, correct?</p> <p>10 A Yes.</p> <p>11 Q This happened on December of 2018,</p> <p>12 correct?</p> <p>13 A As it states.</p> <p>14 Q Was this a one-off to all the situations</p> <p>15 that you experienced?</p> <p>16 MS. TROY: Objection. Argumentative.</p> <p>17 Q You can answer.</p> <p>18 A One more time.</p> <p>19 Q Is this a one-off to all the</p> <p>20 discrimination you allege you suffered from the</p> <p>21 waiting times?</p> <p>22 A I'm not understanding.</p> <p>23 Q You claimed the customers walked out</p> <p>24 because they couldn't their credit checked, right?</p> <p>25 A Partially. That's not exactly what I</p>	<p style="text-align: right;">192</p> <p>1 L. Stidhum</p> <p>2 said.</p> <p>3 Q You testified it took too long for their</p> <p>4 credit to be checked such they would get frustrated</p> <p>5 and leave, right?</p> <p>6 A Right. I didn't state that for every</p> <p>7 single customer I sat with.</p> <p>8 Q How many customers did it happen with?</p> <p>9 A I don't remember. It's four years later.</p> <p>10 Q This is very important because it's part</p> <p>11 of your federal lawsuit in federal court with a</p> <p>12 federal judge, and I would like to understand how</p> <p>13 many customers on a ratio basis did this happen with</p> <p>14 and how many did it not happen with?</p> <p>15 A Realistically, I would say I would sit</p> <p>16 with about two, two to three people daily. Out of</p> <p>17 those two to three people, at least two of them were</p> <p>18 walking out at this time because of the longer wait</p> <p>19 periods.</p> <p>20 Q Every day two out of three people?</p> <p>21 A More or less.</p> <p>22 Q This is one of the three that didn't walk</p> <p>23 out?</p> <p>24 A Possibly, but then again you did state</p> <p>25 that I made a phonecall to him. Can we go back to</p>

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<p style="text-align: right;">193</p> <p>1 L. Stidhum</p> <p>2 that?</p> <p>3 Q Sure.</p> <p>4 A It's possible that he did walk out because</p> <p>5 that phonecall was regarding the results of the</p> <p>6 credit being run finally.</p> <p>7 Q Here with Leticia, outbound phonecall two</p> <p>8 days later, unable to leave message by the BDC rep.</p> <p>9 Outbound text message, phonecall by BDC rep said he</p> <p>10 needs money down and won't be ready until February</p> <p>11 on December 15th. December 31st, holding off until</p> <p>12 February. Lead lost January 16, 2018.</p> <p>13 A It's really hard to remember by customer</p> <p>14 for something that happened four years ago</p> <p>15 especially since I have been in the business a</p> <p>16 couple of years and dealt with a bunch of customers.</p> <p>17 Q That's why we have records of these</p> <p>18 things, correct?</p> <p>19 MS. TROY: Objection. Argumentative.</p> <p>20 Q You can answer.</p> <p>21 A I mean if the stuff was accurate, I would</p> <p>22 agree.</p> <p>23 Q You're saying this isn't accurate, that he</p> <p>24 called and said --</p> <p>25 A I'm not saying that that isn't accurate.</p>	<p style="text-align: right;">194</p> <p>1 L. Stidhum</p> <p>2 I'm talking about the documents overall.</p> <p>3 Q Let's look at Defendant's Exhibit M.</p> <p>4 Bates-stamped D397 through D402. This is a bunch of</p> <p>5 messages here between the customer and someone named</p> <p>6 Tiffany, a BDC person about doing an application; do</p> <p>7 you see that?</p> <p>8 (Defendant's Exhibit M, Marked for Identification.)</p> <p>9 A Yes.</p> <p>10 Q What is that application referring to?</p> <p>11 A It's a prequalification application.</p> <p>12 Q Which is something that is designed to</p> <p>13 assist customers with getting financing if they need</p> <p>14 it, correct?</p> <p>15 A More or less.</p> <p>16 Q It's a process that's done in advance to</p> <p>17 avoid having to do what have you complained about in</p> <p>18 this case, correct?</p> <p>19 A Right.</p> <p>20 Q On January 5th of 2019, Brianna, one of</p> <p>21 your witnesses, listed that the customer wants to</p> <p>22 know how much she would put down as a down payment,</p> <p>23 correct?</p> <p>24 A Right.</p> <p>25 Q The following day, Brianna set up an</p>
<p style="text-align: right;">195</p> <p>1 L. Stidhum</p> <p>2 appointment for the next Saturday, no money down and</p> <p>3 has a trade-in, right?</p> <p>4 A Right.</p> <p>5 Q On January 12th, he was working with you</p> <p>6 and he was greeted by Louis and Manuel, correct?</p> <p>7 MS. TROY: Objection. Documents speak for</p> <p>8 itself.</p> <p>9 A I don't remember who this was, but I</p> <p>10 guess.</p> <p>11 Q After that, the lead is marked lost the</p> <p>12 following month, correct?</p> <p>13 A That was marked lost by the system so what</p> <p>14 that means is that after a certain amount of time</p> <p>15 that the customer is not contacted for whatever the</p> <p>16 case may be, that lead goes into a loss folder. So</p> <p>17 like it says there, it's by the system, not by a rep</p> <p>18 or anybody's name. There is no telling if that car</p> <p>19 was sold or not. I don't recall the name.</p> <p>20 Q We will ascertain whether it was sold and</p> <p>21 we will provide evidence of that.</p> <p>22 Going back to the January 6, 2019</p> <p>23 phonecall with Brianna to the customer, when it</p> <p>24 says, No money down and has a trade-in, what does</p> <p>25 that mean to you?</p>	<p style="text-align: right;">196</p> <p>1 L. Stidhum</p> <p>2 A They want to trade in their car.</p> <p>3 Q In that situation, is it the normal</p> <p>4 process that there is no money down required?</p> <p>5 A One more time.</p> <p>6 Q In a situation where there is a trade-in,</p> <p>7 is it normal that there is no money down required on</p> <p>8 the financing?</p> <p>9 A In certain situations. It all depends on</p> <p>10 a person's credit.</p> <p>11 Q On January 5th of '19, before this</p> <p>12 customer came in, he did the application necessary</p> <p>13 to check for financing in advance, correct?</p> <p>14 MS. TROY: Objection.</p> <p>15 A Yes.</p> <p>16 Q So you didn't have to wait for anybody for</p> <p>17 this customer, correct?</p> <p>18 A That's not true because this is the</p> <p>19 prequalification application. This is not an</p> <p>20 application that does a hard inquiry on the credit</p> <p>21 and shows exactly what the banks are looking for.</p> <p>22 We still have to run the credit ourselves, we still</p> <p>23 have to handwrite the application in order to do so,</p> <p>24 so that's not accurate.</p> <p>25 Q The prequalification made it easier,</p>

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<p style="text-align: right;">197</p> <p>1 L. Stidhum</p> <p>2 didn't it?</p> <p>3 MS. TROY: Objection. Argumentative.</p> <p>4 A No. The prequalification doesn't make it</p> <p>5 easier unless we have access to those applications</p> <p>6 prior to them coming in.</p> <p>7 Q We are going to look at Defendant's</p> <p>8 Exhibit N, I believe, which is Bates-stamped D522</p> <p>9 through D527. With this lead, Brianna set up an</p> <p>10 appointment for the following day after January 4th</p> <p>11 of '19, correct?</p> <p>12 (Defendant's Exhibit N, Marked for Identification.)</p> <p>13 MS. TROY: Objection. The document speaks</p> <p>14 for itself.</p> <p>15 A Yes.</p> <p>16 Q On January 10th, this customer came in for</p> <p>17 a showroom visit, correct?</p> <p>18 A Right.</p> <p>19 MS. TROY: Objection. The document speaks</p> <p>20 for itself.</p> <p>21 Q In this particular instance, the customer</p> <p>22 left information on a car she was looking for and</p> <p>23 asked the dealership to let her know if you find</p> <p>24 that car, correct?</p> <p>25 MS. TROY: Objection. The document speaks</p>	<p style="text-align: right;">198</p> <p>1 L. Stidhum</p> <p>2 for itself.</p> <p>3 A Yes.</p> <p>4 Q Did you take any steps to find the car she</p> <p>5 wanted?</p> <p>6 A Can we go back down to the dates?</p> <p>7 Q Sure.</p> <p>8 A That was towards the end of me leaving.</p> <p>9 So again, I don't recall. I don't remember this</p> <p>10 customer specifically, but I'm sure I did everything</p> <p>11 I could to look and see, especially at that point</p> <p>12 where I was at being at that time and that</p> <p>13 dealership.</p> <p>14 Q This customer you didn't lose because of</p> <p>15 waiting for financing, right?</p> <p>16 A No.</p> <p>17 Q You lost this customer because you</p> <p>18 couldn't find the car she wanted, correct?</p> <p>19 A I wouldn't say I lost the customer. If</p> <p>20 I'm not mistaken, I was out of that dealership a day</p> <p>21 or two later.</p> <p>22 Q On January 14th, three days later,</p> <p>23 correct?</p> <p>24 A I guess so.</p> <p>25 Q It takes you an hour to sell a car,</p>
<p style="text-align: right;">199</p> <p>1 L. Stidhum</p> <p>2 correct?</p> <p>3 A More or less.</p> <p>4 Q You had 36 hours to sell a car to this</p> <p>5 individual customer, correct?</p> <p>6 A Yes. If you see there, it says she wants</p> <p>7 a E43 convertible or a 6 Series convertible. We</p> <p>8 never had those cars on our lot. Not a convertible,</p> <p>9 maybe an E class, maybe a 6 Series, yes, but</p> <p>10 convertible, to my knowledge, we did not have</p> <p>11 convertibles, either E43 or a 6 Series, on our lot.</p> <p>12 Q You could procure one, couldn't you?</p> <p>13 A I'm sorry?</p> <p>14 MS. TROY: Objection. Argumentative.</p> <p>15 Repeat your question since she didn't hear.</p> <p>16 Q You could procure one, couldn't you?</p> <p>17 MS. TROY: Objection. Argumentative. She</p> <p>18 can answer.</p> <p>19 A I'm sure I did look and I'm sure if I</p> <p>20 would have found it, she would been right back in</p> <p>21 the store.</p> <p>22 Q Let's look at Defendant's O. It's</p> <p>23 Bates-stamped D536 through D543. Towards the bottom</p> <p>24 of this exhibit on November 24th of '18, it says</p> <p>25 that this customer has a 2010 Pathfinder for trade</p>	<p style="text-align: right;">200</p> <p>1 L. Stidhum</p> <p>2 and mentioned trouble with credit and set an</p> <p>3 appointment for November 25th; do you see that?</p> <p>4 A Yes.</p> <p>5 Q On November 26th, it says that this</p> <p>6 customer worked with you recently, filed for</p> <p>7 bankruptcy, needs to bring back a letter from the</p> <p>8 trustee as to the budget she's allowed monthly</p> <p>9 towards vehicle. Will follow up, correct?</p> <p>10 A Yes.</p> <p>11 Q Do you remember working with this</p> <p>12 customer?</p> <p>13 A No.</p> <p>14 Q Do you recall whether the knowledge of the</p> <p>15 bankruptcy in this note indicates whether the credit</p> <p>16 check was done yet?</p> <p>17 A Of course it was. How else would we have</p> <p>18 known about the bankruptcy being active?</p> <p>19 Q With respect to this customer, performing</p> <p>20 the credit check was not an issue, correct?</p> <p>21 A It looks like this was in November, so no.</p> <p>22 Q Isn't it true you announced your pregnancy</p> <p>23 on November 23rd of '18?</p> <p>24 A I believe so.</p> <p>25 Q This happened after you announced your</p>

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<p style="text-align: right;">201</p> <p>1 L. Stidhum</p> <p>2 pregnancy, correct?</p> <p>3 A Yes.</p> <p>4 Q Your argument that your pregnancy was the</p> <p>5 reason why it took longer to check credit history is</p> <p>6 inaccurate with respect to this customer, correct?</p> <p>7 A No, that's incorrect. If you recall, I</p> <p>8 did say that Isaac was the dad of the dealership and</p> <p>9 when the dad left, everybody did as they pleased, so</p> <p>10 there is that.</p> <p>11 Q As far as you know, Isaac was the one who</p> <p>12 pulled the credit for this one?</p> <p>13 A I'm not sure. What I'm saying is that,</p> <p>14 yes, I announced my pregnancy on November 23rd. I</p> <p>15 only remember that because it's my mother's</p> <p>16 birthday. I remember announcing my pregnancy then,</p> <p>17 but the discrimination did not happen until after</p> <p>18 Isaac left because the dad of the dealership was no</p> <p>19 longer watching. There was no jumping in or trying</p> <p>20 to stop things from happening. That's what my point</p> <p>21 is.</p> <p>22 Q It says here on December 27th, The</p> <p>23 customer came for a second time and left very upset.</p> <p>24 She's in the middle of a bankruptcy and we can't</p> <p>25 help her; do you see that?</p>	<p style="text-align: right;">202</p> <p>1 L. Stidhum</p> <p>2 A Yes.</p> <p>3 Q Isn't it true that sometimes you can't</p> <p>4 help a customer even if you do the credit check?</p> <p>5 MS. TROY: Objection. Argumentative.</p> <p>6 A Of course that's true, but again, I</p> <p>7 mentioned that I might have sat with two or three or</p> <p>8 maybe more customers a day. That could have been</p> <p>9 one of the very few that that happened with.</p> <p>10 Q Let's go to Defendant's Exhibit O,</p> <p>11 Bates-stamped D633 through D636.</p> <p>12 (Defendant's Exhibit O, Marked for Identification.)</p> <p>13 BY MR. KATAEV:</p> <p>14 Q On this particular one it says, On</p> <p>15 December 29 of 2018, Brianna found out that this</p> <p>16 customer was interested in a RAV4 and will be in</p> <p>17 today and if not with follow up; do you see that?</p> <p>18 A Yes.</p> <p>19 Q On January 4th, she reiterated the</p> <p>20 interest in the RAV4 and set an appointment for the</p> <p>21 following day, correct?</p> <p>22 A Yes.</p> <p>23 Q It says that on January 5th, the text</p> <p>24 message by Brianna asked the customer to ask for you</p> <p>25 when the customer arrives, correct?</p>
<p style="text-align: right;">203</p> <p>1 L. Stidhum</p> <p>2 MS. TROY: Objection. Document speaks for</p> <p>3 itself.</p> <p>4 A Yes.</p> <p>5 Q On January 6th, there is a message by</p> <p>6 Brianna saying the customer will call back if he's</p> <p>7 still interested, correct?</p> <p>8 A Correct.</p> <p>9 MS. TROY: Objection. The document speaks</p> <p>10 for itself.</p> <p>11 MR. KATAEV: Your objection is noted.</p> <p>12 Q On March 28, this individual bought a</p> <p>13 different car from somewhere else, correct?</p> <p>14 A I guess so.</p> <p>15 MS. TROY: Objection. The document speaks</p> <p>16 for itself.</p> <p>17 Q There is no indication there that there</p> <p>18 were any issues with getting a credit check done,</p> <p>19 correct?</p> <p>20 A It also doesn't indicate that the customer</p> <p>21 ever came in. Yes, he made the appointment, yes,</p> <p>22 Brianna told him to ask for me. It doesn't look</p> <p>23 like he ever came in.</p> <p>24 (Defendant's Exhibit P, Marked for Identification.)</p> <p>25 MR. KATAEV: Bates numbered to be D804 to</p>	<p style="text-align: right;">204</p> <p>1 L. Stidhum</p> <p>2 D806. This will be P.</p> <p>3 BY MR. KATAEV:</p> <p>4 Q This is a December 2018 lead, correct?</p> <p>5 MS. TROY: Same objection as before, which</p> <p>6 is again, you're not having the client testify</p> <p>7 on her personal knowledge. You're having her</p> <p>8 read off the document.</p> <p>9 MR. KATAEV: Your objection to noted.</p> <p>10 BY MR. KATAEV:</p> <p>11 Q Leticia, is this correct that it's a</p> <p>12 December 2018 lead?</p> <p>13 A Yes.</p> <p>14 Q It says here on December 20th of '18 that</p> <p>15 the cosigner will do an application tomorrow,</p> <p>16 correct?</p> <p>17 A Yes.</p> <p>18 MS. TROY: Objection. The document speaks</p> <p>19 for itself. This is document is cut off.</p> <p>20 MR. KATAEV: It's right here.</p> <p>21 BY MR. KATAEV:</p> <p>22 Q Based on this note, is it accurate to</p> <p>23 state that the customer came in?</p> <p>24 MS. TROY: Objection. You're not having</p> <p>25 her testify on her personal knowledge. You're</p>

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<p style="text-align: right;">205</p> <p>1 L. Stidhum</p> <p>2 having her read off the document.</p> <p>3 Q I'm asking her based on her personal</p> <p>4 knowledge whether, based on this note, the customer</p> <p>5 would have come in?</p> <p>6 A If the customer did come in?</p> <p>7 Q Yes.</p> <p>8 A Can you scroll down a little more?</p> <p>9 Q Did the customer come in?</p> <p>10 A Yes.</p> <p>11 Q It says here that the customer is coming</p> <p>12 with his cosigner tomorrow. Worked with Leticia</p> <p>13 last night. He was here, doesn't know specific</p> <p>14 time; do you see that?</p> <p>15 A Yes.</p> <p>16 Q In order for all of this to have happened,</p> <p>17 is it accurate to state that the financing was done</p> <p>18 already?</p> <p>19 A Possible.</p> <p>20 Q You did not end up selling this car</p> <p>21 because the lead was lost?</p> <p>22 MS. TROY: Objection. The document speaks</p> <p>23 for itself.</p> <p>24 A Again, that's a lost lead by the system</p> <p>25 that was put in three months later which is the</p>	<p style="text-align: right;">206</p> <p>1 L. Stidhum</p> <p>2 general timeframe of a lost lead when not contacted,</p> <p>3 so I can't say it was not sold because he did</p> <p>4 mention bringing in a cosigner so I can't confirm or</p> <p>5 deny that.</p> <p>6 Q You don't know if it was sold or not?</p> <p>7 A I do not.</p> <p>8 Q This is Defendant's Exhibit Q.</p> <p>9 Bates-stamped D812 to D814.</p> <p>10 (Defendant's Exhibit Q, Marked for Identification.)</p> <p>11 BY MR. KATAEV:</p> <p>12 Q At the bottom over here it says that this</p> <p>13 individual came in with approval from Capital One,</p> <p>14 correct?</p> <p>15 MS. TROY: Same objection. You're not</p> <p>16 having her testify on her personal knowledge.</p> <p>17 You're having her read off the document.</p> <p>18 A Yes. It does state that, but it doesn't</p> <p>19 necessarily mean they are approved.</p> <p>20 Q You have a note over here, Bonus all</p> <p>21 capital S's; do you see that?</p> <p>22 A Yes.</p> <p>23 Q Why did you write this note?</p> <p>24 A I have no idea. I don't remember.</p> <p>25 Q This note was written about almost four</p>
<p style="text-align: right;">207</p> <p>1 L. Stidhum</p> <p>2 hours after the showroom visit started?</p> <p>3 A I don't recall. It's four years ago.</p> <p>4 Q It says here on January 2 of '19 that</p> <p>5 Brianna noted that she's happy with the purchase?</p> <p>6 A Okay.</p> <p>7 Q And that means that you were able to make</p> <p>8 a sale on this vehicle, correct?</p> <p>9 A Right.</p> <p>10 Q Isaac was not here at this time, correct?</p> <p>11 A Right.</p> <p>12 Q Andris was the one who did the financing,</p> <p>13 correct?</p> <p>14 A I can't answer that question because it</p> <p>15 could have been Serge or Andris.</p> <p>16 Q Defendant's Exhibit R. Bates-stamped D815</p> <p>17 through D820.</p> <p>18 (Defendant's Exhibit R, Marked for Identification.)</p> <p>19 MS. TROY: Same objection. You're not</p> <p>20 having her testify on her personal knowledge.</p> <p>21 You're having her read off the document.</p> <p>22 MR. KATAEV: You're only repeating</p> <p>23 yourself to waste time. Make a blanket</p> <p>24 objection.</p> <p>25 MS. TROY: I'm going to make a blanket</p>	<p style="text-align: right;">208</p> <p>1 L. Stidhum</p> <p>2 objection which is the whole set of documents</p> <p>3 from I think Exhibit C onwards. You're</p> <p>4 basically having her read off the document. A</p> <p>5 lot of the times you're not even asking her to</p> <p>6 testify on her personal knowledge. So that's</p> <p>7 not an appropriate objection. The document</p> <p>8 speaks for itself.</p> <p>9 MR. KATAEV: It is an inappropriate</p> <p>10 objection and is a violation of Rule 30 and you</p> <p>11 have been warned multiple times not to do that.</p> <p>12 MS. TROY: You asked me to make a blanket</p> <p>13 objection so I did.</p> <p>14 MR. KATAEV: That's it, stop.</p> <p>15 MS. TROY: I did.</p> <p>16 MR. KATAEV: Stop already.</p> <p>17 MS. TROY: I did what you asked me to. I</p> <p>18 don't know what you want me to do. You</p> <p>19 asked me to do something and I do it and then</p> <p>20 you're like, Stop.</p> <p>21 MR. KATAEV: Please stop.</p> <p>22 BY MR. KATAEV:</p> <p>23 Q Look at D818 in this particular exhibit.</p> <p>24 There is a note here from Brianna that the customer</p> <p>25 is waiting to see if Uber is going to hire him; do</p>

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<p style="text-align: right;">209</p> <p>1 L. Stidhum</p> <p>2 you see that?</p> <p>3 A Yes.</p> <p>4 Q In this particular instance no credit</p> <p>5 check was probably performed because he was waiting</p> <p>6 to see if he was going to be hired, correct?</p> <p>7 A That's not entirely true.</p> <p>8 Q As far as you know, the credit was done on</p> <p>9 this particular customer?</p> <p>10 A I'm not saying it was or was not done</p> <p>11 because there is no telling on this document. I</p> <p>12 can't really tell.</p> <p>13 Q That's fine. This is Defendant's</p> <p>14 Exhibit S, bearing Bates-stamped numbers D842 to</p> <p>15 D847.</p> <p>16 (Defendant's Exhibit S, Marked for Identification.)</p> <p>17 MS. TROY: Same objections as the</p> <p>18 uniformed one, blanket one.</p> <p>19 Q This customer visited the showroom on</p> <p>20 December 12th of 2018, correct?</p> <p>21 A Yes.</p> <p>22 Q This lead was subsequently marked lost,</p> <p>23 correct?</p> <p>24 A Again, it's by the system three months</p> <p>25 later, which is uniform for that CRM to do. It does</p>	<p style="text-align: right;">210</p> <p>1 L. Stidhum</p> <p>2 that. If it has not been contacted within three</p> <p>3 months as it shows on every one you mentioned that</p> <p>4 shows lost by the system, it's uniform.</p> <p>5 Q Isn't it true that if a vehicle is sold</p> <p>6 it's marked in the CRM system?</p> <p>7 MS. TROY: Objection. Argumentative. She</p> <p>8 can answer.</p> <p>9 A Again, it's if they do it. It's not a yes</p> <p>10 or no. If they do it.</p> <p>11 Q If they fail to do it, isn't it true they</p> <p>12 won't get paid a commission?</p> <p>13 A I don't believe that is entirely true</p> <p>14 because they do not get paid on shows that are</p> <p>15 walk-ins, so I can't say that's entirely true.</p> <p>16 MR. KATAEV: Off the record for a minute.</p> <p>17 (Whereupon, an off-the-record discussion was held.)</p> <p>18 BY MR. KATAEV:</p> <p>19 Q During the course of your employment with</p> <p>20 Hillside Auto Outlet, there came an occasion where</p> <p>21 you brought another employee on to work with us,</p> <p>22 correct?</p> <p>23 A Yes.</p> <p>24 Q That individual's name is Brianna,</p> <p>25 correct?</p>
<p style="text-align: right;">211</p> <p>1 L. Stidhum</p> <p>2 A Yes.</p> <p>3 Q Brianna is a childhood friend of yours,</p> <p>4 correct?</p> <p>5 A Yes.</p> <p>6 Q She continued working at the dealership</p> <p>7 after you left, correct?</p> <p>8 A Right.</p> <p>9 Q To your knowledge, is she still working at</p> <p>10 the dealership?</p> <p>11 A No. Not that I know of.</p> <p>12 Q This is Defendant's Exhibit T. 1165</p> <p>13 through 1167.</p> <p>14 (Defendant's Exhibit T, Marked for Identification.)</p> <p>15 MS. TROY: Also just the blanket objection</p> <p>16 applies to Exhibit T.</p> <p>17 BY MR. KATAEV:</p> <p>18 Q For this particular lead, this customer</p> <p>19 was noted by Tiffany from BDC as a cash buy,</p> <p>20 correct?</p> <p>21 A Yes.</p> <p>22 Q For a cash buy, that means there will be</p> <p>23 no financing, correct?</p> <p>24 A Correct.</p> <p>25 Q There is showroom visit on December 8th,</p>	<p style="text-align: right;">212</p> <p>1 L. Stidhum</p> <p>2 correct?</p> <p>3 A Right.</p> <p>4 Q You followed up with a phonecall two days</p> <p>5 later, correct?</p> <p>6 A Right.</p> <p>7 Q You follow up again two days after that,</p> <p>8 correct?</p> <p>9 A Right.</p> <p>10 Q You were not able to sell the vehicle,</p> <p>11 correct?</p> <p>12 A Right.</p> <p>13 Q Andris Guzman did not play any role in</p> <p>14 that because there was no financing, correct?</p> <p>15 A Just because it's not noted there doesn't</p> <p>16 mean he did not because Serge was in the back office</p> <p>17 so he probably prepared the buyer's order but the</p> <p>18 first point of contact would have been Guzman.</p> <p>19 Q For what?</p> <p>20 A Because he's the sales manager so he's</p> <p>21 going to want to know what's going on, what the</p> <p>22 customer is asking for, how much he's looking to pay</p> <p>23 and so on.</p> <p>24 Q Going to Defendant's Exhibit U. It's a</p> <p>25 document Bates-stamped 1186. I will represent to</p>

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<p style="text-align: right;">213</p> <p>1 L. Stidhum</p> <p>2 you that this is from the payroll company and it</p> <p>3 lists your hire date and termination date; do you</p> <p>4 see that?</p> <p>5 A Yes.</p> <p>6 (Defendant's Exhibit U, Marked for Identification.)</p> <p>7 BY MR. KATAEV:</p> <p>8 Q To your knowledge, is this accurate you</p> <p>9 were hired on May 22nd of 2018?</p> <p>10 A Yes.</p> <p>11 Q And you were separated from employment on</p> <p>12 January 14th of 2019, correct?</p> <p>13 A Yes.</p> <p>14 Q That means you were employed with the</p> <p>15 dealership for approximately eight months, correct?</p> <p>16 A Right.</p> <p>17 Q I will represent to you that we are</p> <p>18 looking at your first paystub, which will be part of</p> <p>19 this exhibit D1187.</p> <p>20 I have D1186 through D1250 will be</p> <p>21 marked as Defendant's Exhibit V.</p> <p>22 (Defendant's Exhibit V, Marked for Identification.)</p> <p>23 BY MR. KATAEV:</p> <p>24 Q This pay period starts on May 22nd until</p> <p>25 May 28th of 2018, correct?</p>	<p style="text-align: right;">214</p> <p>1 L. Stidhum</p> <p>2 A Right.</p> <p>3 Q This pay period you only received the \$300</p> <p>4 weekly salary, correct?</p> <p>5 A That's incorrect. It shows the \$780 in</p> <p>6 commissions. We were paid in two separate checks.</p> <p>7 You get a salary check every week of \$300 and</p> <p>8 commission was separated to reduce the amount of</p> <p>9 taxes taken out.</p> <p>10 Q On this particular case, your first week</p> <p>11 you sold approximately five cars, correct?</p> <p>12 A I think it averages out to 5.2 cars</p> <p>13 because that's when I was receiving the 5 percent.</p> <p>14 Q Right. The following week, you only sold</p> <p>15 approximately two cars, correct?</p> <p>16 MS. TROY: Can you break that down,</p> <p>17 Emanuel?</p> <p>18 A That looks like it might have been</p> <p>19 two-and-a-half cars because if another salesperson</p> <p>20 had to help out, you would split the deal with the</p> <p>21 other salespeople, so I mean, it could have been</p> <p>22 carrying over from the 5 percent.</p> <p>23 Q Approximately two to three cars in this</p> <p>24 one, right?</p> <p>25 A It might have been two. It could have been</p>
<p style="text-align: right;">215</p> <p>1 L. Stidhum</p> <p>2 that 5 percent carrying over.</p> <p>3 Q For the third week it was just two cars,</p> <p>4 correct?</p> <p>5 A Right.</p> <p>6 Q In the week of June 12 to June 18, it was</p> <p>7 no cars, correct?</p> <p>8 MS. TROY: Emanuel, you're scrolling</p> <p>9 really fast. Could you show us the two</p> <p>10 paystubs corresponding?</p> <p>11 BY MR. KATAEV:</p> <p>12 Q I will represent to you that I see one</p> <p>13 paystub and it's June 12th to June 18th and the one</p> <p>14 before is for the week prior and the one after is</p> <p>15 for the week after. This is D1193.</p> <p>16 MS. TROY: You're saying there is only one</p> <p>17 for that week?</p> <p>18 BY MR. KATAEV:</p> <p>19 Q You know what, I want to do this on the</p> <p>20 record. If you go to the week prior, it shows</p> <p>21 year-to-date of \$1,505. If you go to the week after</p> <p>22 it shows \$2,165.</p> <p>23 A That paystub must just not be in there.</p> <p>24 Q Maybe it's later on in the production but</p> <p>25 we will see.</p>	<p style="text-align: right;">216</p> <p>1 L. Stidhum</p> <p>2 Based on the difference in the gross</p> <p>3 for commissions and the total being \$660, you sold</p> <p>4 approximately four cars, correct?</p> <p>5 A One more time.</p> <p>6 MS. TROY: How did you come up with your</p> <p>7 numbers?</p> <p>8 BY MR. KATAEV:</p> <p>9 Q You look at D1193, which is the week from</p> <p>10 June 12th, it shows a gross year-to-date of \$2,165,</p> <p>11 if you go to the week prior, it's \$1,505. You get</p> <p>12 \$660.</p> <p>13 MS. TROY: What is your question?</p> <p>14 Q \$660 and you divide that by \$150, I get</p> <p>15 4.4 cars. You sold approximately four cars,</p> <p>16 correct?</p> <p>17 A Yes.</p> <p>18 Q In the following week with the commission</p> <p>19 being \$615, you also sold approximately four cars,</p> <p>20 correct?</p> <p>21 A Yes.</p> <p>22 Q In the week after that, \$655, again</p> <p>23 approximately four cars, correct?</p> <p>24 A It's hard to say because it's confusing</p> <p>25 with that 5 percent.</p>

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<p style="text-align: right;">217</p> <p>1 L. Stidhum</p> <p>2 Q Four to five, right?</p> <p>3 A Yes.</p> <p>4 Q Going into the week of July 3rd through</p> <p>5 July 9 from the prior week that we just went over,</p> <p>6 your gross remains the same and you didn't receive</p> <p>7 any commission check. So you didn't sell any cars</p> <p>8 that week?</p> <p>9 MS. TROY: Slow down a little bit. In the</p> <p>10 July 3 to the July 9 for 1198 is your question?</p> <p>11 MR. KATAEV: That's correct.</p> <p>12 BY MR. KATAEV:</p> <p>13 Q I'm showing the week before had the same</p> <p>14 gross and I'm showing going back to the same paystub</p> <p>15 it's the same gross and this is the following week.</p> <p>16 So is it accurate to say that you sold no cars the</p> <p>17 week of July 2018, the first week?</p> <p>18 MS. TROY: Could you show me the two pages</p> <p>19 again with the two numbers?</p> <p>20 MR. KATAEV: Yes, of course.</p> <p>21 MS. TROY: What number are you talking</p> <p>22 about?</p> <p>23 MR. KATAEV: D1198 is the benchmark. The</p> <p>24 gross is listed as \$3,435 year to date. If you</p> <p>25 go back to \$1,197 to the week prior, it remains</p>	<p style="text-align: right;">218</p> <p>1 L. Stidhum</p> <p>2 the same, it's \$3,435 year to date. If you go</p> <p>3 to D1199, which is the one after, it's the</p> <p>4 following week.</p> <p>5 BY MR. KATAEV:</p> <p>6 Q Based on those three paystubs from D1197</p> <p>7 to D1199, is it fair to say that you did not sell</p> <p>8 any vehicles that week?</p> <p>9 A I don't recall. I'm trying to think back.</p> <p>10 Maybe I was on vacation or something.</p> <p>11 MR. KATAEV: Off the record.</p> <p>12 (Whereupon, an off-the-record discussion was held.)</p> <p>13 BY MR. KATAEV:</p> <p>14 Q We have reviewed the pages bearing</p> <p>15 Bates-stamped numbers D1197 through D1200, which is</p> <p>16 a comparison of two weeks worth of regular pay of</p> <p>17 \$300 a week and commissions for those two weeks.</p> <p>18 And my question is: Based on our review of the</p> <p>19 record of the paystub for July 3rd through July 9th</p> <p>20 bearing Bates-stamped D1198, you did not sell any</p> <p>21 cars during that week, correct?</p> <p>22 A I did not say that I did not sell any</p> <p>23 cars. I was not paid any commission. Sometimes you</p> <p>24 wouldn't get paid on all your cars if the deal was</p> <p>25 not funded. Sometimes the deals were funded and I</p>
<p style="text-align: right;">219</p> <p>1 L. Stidhum</p> <p>2 would still receive pay on it. I'm not sure what</p> <p>3 happened there.</p> <p>4 Q In the following week, you received \$900</p> <p>5 in commissions and that means you sold at least --</p> <p>6 A Six cars.</p> <p>7 Q Correct?</p> <p>8 A I don't know if it was all for that week</p> <p>9 or if there were was some carried over. \$900 would</p> <p>10 be for six cars.</p> <p>11 Q The following week you made \$1,400 which</p> <p>12 means you sold at least nine cars, correct?</p> <p>13 A Right. So there is definitely a</p> <p>14 possibility they were carried over from previous</p> <p>15 weeks or I had a really great week.</p> <p>16 Q This is your best week so far, two months</p> <p>17 into your employment?</p> <p>18 A I don't remember.</p> <p>19 Q I will represent to you that this is the</p> <p>20 first four-figure week you had. The following week</p> <p>21 after you made the \$1,400, you made \$450 and that</p> <p>22 means you sold at least three cars, correct?</p> <p>23 A Right.</p> <p>24 Q The week after that \$300 which means at</p> <p>25 least two cars, correct?</p>	<p style="text-align: right;">220</p> <p>1 L. Stidhum</p> <p>2 A Right.</p> <p>3 Q The week after that you top your prior</p> <p>4 record and made \$1,450 which is a least nine cars,</p> <p>5 correct?</p> <p>6 A Right.</p> <p>7 MS. TROY: Could you do the division for</p> <p>8 us?</p> <p>9 A It's a little over nine cars.</p> <p>10 Q \$1,450 divided by \$150 is 9.67.</p> <p>11 A It might have been a split deal in there.</p> <p>12 That looks like it was after the time that I stopped</p> <p>13 receiving the 5 percent.</p> <p>14 Q This is for the week ending August 20th</p> <p>15 from August 14th with a pay date of August 24th. I</p> <p>16 will represent to you that your complaint states</p> <p>17 that Jay stopped working on August 24.</p> <p>18 A Okay. It might have been part of it.</p> <p>19 Again, this is a long time ago. I don't recall</p> <p>20 exact dates of which she left or was fired.</p> <p>21 Q My question is basically: Did you sell at</p> <p>22 least nine cars this week?</p> <p>23 A Yes.</p> <p>24 Q We are moving now into the next week and</p> <p>25 here you sold -- you have \$1,200 in commissions</p>

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<p style="text-align: right;">221</p> <p>1 L. Stidhum</p> <p>2 which means you sold at least eight cars, correct?</p> <p>3 A Right. It could have been cars carrying</p> <p>4 over.</p> <p>5 Q I understand. This following week the</p> <p>6 commission was only \$150, which means you sold only</p> <p>7 one car?</p> <p>8 A Possibly.</p> <p>9 Q The following week, \$450, which means only</p> <p>10 three cars?</p> <p>11 A Again possibly.</p> <p>12 Q The following week, again just three cars</p> <p>13 which is \$450, correct?</p> <p>14 A Yes.</p> <p>15 Q And now the next week, which we are</p> <p>16 looking at September 18 to September 24, it's \$750</p> <p>17 which is five cars, correct?</p> <p>18 A Yes.</p> <p>19 Q Again, \$750 for the following week is five</p> <p>20 cars, correct?</p> <p>21 A Yes.</p> <p>22 Q And this particular week \$900 is seven</p> <p>23 cars, correct?</p> <p>24 A Which one are you talking about? What</p> <p>25 number are you talking about?</p>	<p style="text-align: right;">222</p> <p>1 L. Stidhum</p> <p>2 MS. TROY: Could you do your calculation</p> <p>3 on the screen.</p> <p>4 Q We are up to D1223 for the period starting</p> <p>5 and ending December 2nd through 8th of 2018, and</p> <p>6 \$900 divided by \$150 is six. You sold at least six</p> <p>7 cars that week, correct?</p> <p>8 A Correct.</p> <p>9 Q The following week is \$700. Divide that</p> <p>10 by \$150, you sold at least four cars, correct?</p> <p>11 A Right.</p> <p>12 Q The following week is \$800, which means</p> <p>13 you sold at least five cars, correct?</p> <p>14 A I'm sorry.</p> <p>15 Q Five cars.</p> <p>16 MS. TROY: Put your calculator on the</p> <p>17 screen. It's easier. You're saying \$800. How</p> <p>18 many cars?</p> <p>19 A Five and change.</p> <p>20 Q You sold at least five cars that week.</p> <p>21 A Again, it might be carried over. It's</p> <p>22 hard to say.</p> <p>23 Q Okay. The next week we are approaching</p> <p>24 the end of October of '18 is \$1,050. When you</p> <p>25 divide that by \$150, it equals exactly seven. You</p>
<p style="text-align: right;">223</p> <p>1 L. Stidhum</p> <p>2 sold at least seven cars that week, correct?</p> <p>3 A Yes.</p> <p>4 Q The following week, again, I have \$1,050</p> <p>5 which means you sold at least seven cars the next</p> <p>6 week?</p> <p>7 MS. TROY: Emanuel, instead of at least,</p> <p>8 do the -- at least seven cars.</p> <p>9 A Yes.</p> <p>10 Q The same for the following week, which is</p> <p>11 Bates-stamped D1230, correct?</p> <p>12 A Right.</p> <p>13 Q I have the first week of November from the</p> <p>14 6th to the 12th with Bates-stamp D1232 and \$900,</p> <p>15 which means you sold at least six cars, correct?</p> <p>16 A Right.</p> <p>17 Q And here we have \$1,375 for the middle</p> <p>18 week of November from the 13th to the 19th. That</p> <p>19 means you sold at least nine cars, correct?</p> <p>20 A Right.</p> <p>21 Q Then during the almost last week of</p> <p>22 November, the 20th to 26th, I have \$450 which means</p> <p>23 three cars, correct?</p> <p>24 A Right.</p> <p>25 Q And then during the last week of November,</p>	<p style="text-align: right;">224</p> <p>1 L. Stidhum</p> <p>2 I think following Thanksgiving, I have \$1,600 which</p> <p>3 is your best week ever so far and that means you</p> <p>4 sold at least ten cars, correct?</p> <p>5 A Yes.</p> <p>6 Q Now we are entering into the first week of</p> <p>7 December 2018. By the way, your best week after the</p> <p>8 \$1,600 was for the pay period November 27th to</p> <p>9 December 3rd after you announced your pregnancy,</p> <p>10 correct?</p> <p>11 A Yes.</p> <p>12 Q The following week you made \$825, which is</p> <p>13 at least five cars, correct?</p> <p>14 A Right.</p> <p>15 Q The second week in December you made \$625,</p> <p>16 which means at least four cars, correct?</p> <p>17 A Right.</p> <p>18 Q And then \$500 for the third week in</p> <p>19 December, which is approximately three cars,</p> <p>20 correct?</p> <p>21 A Right.</p> <p>22 Q The final week in December you didn't sell</p> <p>23 any cars, correct?</p> <p>24 A It looks like I sold two.</p> <p>25 Q I apologize, I saw zero. I didn't see the</p>

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<p style="text-align: right;">225</p> <p>1 L. Stidhum</p> <p>2 \$350. Withdrawn.</p> <p>3 For the final week during the</p> <p>4 Christmas holiday season from December 25th to</p> <p>5 December 31st, you sold at least two cars, correct?</p> <p>6 A Right.</p> <p>7 Q Finally in January of '19, you sold at</p> <p>8 least five cars based on your commission of \$825,</p> <p>9 correct?</p> <p>10 A Right.</p> <p>11 Q The second week of January, you have \$350</p> <p>12 in commissions which means you sold at least two</p> <p>13 cars, correct?</p> <p>14 A Right.</p> <p>15 Q And then you no longer sold anymore</p> <p>16 vehicles because you quit, correct?</p> <p>17 A Correct.</p> <p>18 Q Okay.</p> <p>19 MS. TROY: With the qualification that</p> <p>20 it's for the Defendants.</p> <p>21 MR. KATAEV: What does that mean?</p> <p>22 MS. TROY: Like, she sold cars at other</p> <p>23 places, just not at the Defendants'. You said</p> <p>24 she no longer sold any cars.</p> <p>25 MR. KATAEV: Right, only for defendants.</p>	<p style="text-align: right;">226</p> <p>1 L. Stidhum</p> <p>2 Skipping a bunch of exhibits, I want to</p> <p>3 see if I want to do any of the others. We can</p> <p>4 take a quick break. It's 3:59. Let's</p> <p>5 reconvene at 4:05.</p> <p>6 (Whereupon, a short recess was taken.)</p> <p>7 BY MR. KATAEV:</p> <p>8 Q I have placed up on the screen what will</p> <p>9 be marked as Defendant's Exhibit W.</p> <p>10 A Before we move on to this, you caught me</p> <p>11 in a little bit of confusion. You said my best week</p> <p>12 was \$1,600 in the first week of December. If you</p> <p>13 recall, that was \$1,000 of that was a bonus from</p> <p>14 November.</p> <p>15 Q Okay.</p> <p>16 A It was really four cars for that first</p> <p>17 week and that was definitely cars rolling over from</p> <p>18 November because if we go back to the other document</p> <p>19 where the sold log was, I didn't sell a car until</p> <p>20 the 6th or something like that.</p> <p>21 Q Okay. You want to supplement your answer</p> <p>22 just to explain that? That's okay, I understand</p> <p>23 that.</p> <p>24 A Of course. It looks like I sold</p> <p>25 20-something cars for that month, when there is no</p>
<p style="text-align: right;">227</p> <p>1 L. Stidhum</p> <p>2 way I sold that many in three days.</p> <p>3 Q What is the most cars you ever sold in a</p> <p>4 month?</p> <p>5 A 30. 33, actually but not at this</p> <p>6 dealership. When I went to NYC Motor Cars.</p> <p>7 Q I'm saying at this dealership?</p> <p>8 A 27, I believe or 28.</p> <p>9 Q Do you remember what month that was?</p> <p>10 A That was in the month of November. That's</p> <p>11 why I received that \$1,000 bonus on December 3rd.</p> <p>12 Q The \$1,600 that you received was a \$1,000</p> <p>13 bonus and the \$600 was for at least four cars,</p> <p>14 correct?</p> <p>15 A Correct.</p> <p>16 Q Thank you for clarifying your answer.</p> <p>17 Going back to Exhibit W, I will</p> <p>18 represent to you this is an April 28, 2022 order</p> <p>19 from Judge Pamela J. Chen. She's the judge that I</p> <p>20 will represent to you was the prior judge assigned</p> <p>21 to this case, and the order says here on April 1st,</p> <p>22 2022, this Court ordered Plaintiff to notify the</p> <p>23 Court by filing a letter on the docket within seven</p> <p>24 days of the Second Circuit issuing a decision in</p> <p>25 Case Number 21-1653.</p>	<p style="text-align: right;">228</p> <p>1 L. Stidhum</p> <p>2 It says Second Circuit issued its</p> <p>3 decision on April 12, 2022. As of today, April 28,</p> <p>4 2022, Plaintiff has not filed a letter on the docket</p> <p>5 to notify the Court. Accordingly, on or before</p> <p>6 May 4th, 2022, Plaintiff shall file a letter on her</p> <p>7 docket with the proposed next step of how this case</p> <p>8 should proceed.</p> <p>9 Do you see that?</p> <p>10 A Yes.</p> <p>11 MR. KATAEV: Off the record.</p> <p>12 (Whereupon, an off-the-record discussion was held.)</p> <p>13 MR. KATAEV: Back on the record. I was</p> <p>14 about to ask some questions about this, but</p> <p>15 Plaintiff wanted to make some objections. Go</p> <p>16 ahead.</p> <p>17 MS. TROY: The same objection as before.</p> <p>18 The same blanket objection applies to this</p> <p>19 exhibit.</p> <p>20 BY MR. KATAEV:</p> <p>21 Q Just a question I have about this,</p> <p>22 Ms. Stidhum, are you aware that there was an appeal</p> <p>23 of a prior case?</p> <p>24 A Yes.</p> <p>25 Q You're aware that the prior case that was</p>

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<p style="text-align: right;">229</p> <p>1 L. Stidhum</p> <p>2 filed was dismissed, correct?</p> <p>3 A Yes.</p> <p>4 Q You're aware it was dismissed because it</p> <p>5 didn't remain with the EEOC for the statutory period</p> <p>6 of time?</p> <p>7 A Yes.</p> <p>8 Q You're aware that your law firm decided to</p> <p>9 appeal that decision?</p> <p>10 A Yes, I am.</p> <p>11 Q Are you aware --</p> <p>12 MS. TROY: I'm going to make sure to</p> <p>13 direct my client to not divulge any</p> <p>14 communication she may have had with her</p> <p>15 attorney as part of any response.</p> <p>16 BY MR. KATAEV:</p> <p>17 Q For this whole line of questioning, don't</p> <p>18 tell me anything that you said to your attorneys or</p> <p>19 your attorneys said to you.</p> <p>20 You're aware that because there was</p> <p>21 an appeal filed with the Second Circuit, that there</p> <p>22 was something scheduled that was called a Camp</p> <p>23 conference?</p> <p>24 A I'm not sure.</p> <p>25 Q Just to explain what a Camp conference is,</p>	<p style="text-align: right;">230</p> <p>1 L. Stidhum</p> <p>2 it's a conference designed for the purpose of</p> <p>3 discussing settlement over the phone.</p> <p>4 A Okay, yes.</p> <p>5 Q Are you aware that that Camp conference</p> <p>6 was held?</p> <p>7 A Yes.</p> <p>8 Q Did you participate in that conference?</p> <p>9 A I don't believe so. This is not the one</p> <p>10 we are talking about that was in person, correct?</p> <p>11 Q It's not, that's correct.</p> <p>12 A So no.</p> <p>13 Q You were not present, correct?</p> <p>14 A No.</p> <p>15 Q Are you aware of what transpired at this</p> <p>16 conference without telling me what was said?</p> <p>17 A Yes.</p> <p>18 MR. KATAEV: Go off the record.</p> <p>19 (Whereupon, an off-the-record discussion was held.)</p> <p>20 BY MR. KATAEV:</p> <p>21 Q Just some general questions.</p> <p>22 When you quit, you're not alleging</p> <p>23 that you were constructively discharged, correct?</p> <p>24 A No.</p> <p>25 MS. TROY: Objection. Calls for legal</p>
<p style="text-align: right;">231</p> <p>1 L. Stidhum</p> <p>2 conclusion. I don't know if she knows what</p> <p>3 you're asking.</p> <p>4 BY MR. KATAEV:</p> <p>5 Q I will give some more layman's terms</p> <p>6 question.</p> <p>7 The reason why you quit was because</p> <p>8 you were not willing to wait until Isaac dealt with</p> <p>9 the issues that you were raising to his attention,</p> <p>10 correct?</p> <p>11 A That's not true, because I indeed did wait</p> <p>12 for Isaac and we did have an in-person conversation</p> <p>13 prior to me making my final decision.</p> <p>14 Q The reason why you quit is because you did</p> <p>15 not want to wait any further after having that</p> <p>16 discussion, correct?</p> <p>17 A I mean, at that point it was very, you</p> <p>18 know, obvious that I wasn't getting the promotion I</p> <p>19 wanted or was promised, not wanted I should say, or</p> <p>20 any type of raise or anything like that, so yes, I</p> <p>21 did quit because of that.</p> <p>22 Q You're not saying it was intolerable to</p> <p>23 work at Hillside Auto Outlet based on those</p> <p>24 conditions, correct?</p> <p>25 A I mean, it was because who wants to sit in</p>	<p style="text-align: right;">232</p> <p>1 L. Stidhum</p> <p>2 a place for ten hours a day pregnant, tired and not</p> <p>3 make any money.</p> <p>4 Q And the reason why you found it</p> <p>5 intolerable to work there is because you were not</p> <p>6 making money?</p> <p>7 A And because of the way I was being</p> <p>8 treated. I would be blatantly ignored when I had a</p> <p>9 customer.</p> <p>10 Q And the only person that was ignoring you</p> <p>11 was Andris Guzman, correct?</p> <p>12 A Which was my point of contact at the time</p> <p>13 of Isaac's vacation, yes.</p> <p>14 Q You testified earlier that with respect to</p> <p>15 your workweek, you were off on Wednesdays and every</p> <p>16 other Sunday, correct?</p> <p>17 A Yes.</p> <p>18 Q What time would you come in every morning</p> <p>19 and what time would you leave every evening?</p> <p>20 A 10:00 to 8:00, sometimes 9:00, 10:00 p.m.</p> <p>21 Depends on the workday, how many customers we have.</p> <p>22 Q You had at least a one-hour lunch break,</p> <p>23 correct?</p> <p>24 A Not necessarily. We would eat as we went.</p> <p>25 There was no set time or timeframe to eat.</p>

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<p style="text-align: right;">233</p> <p>1 L. Stidhum</p> <p>2 Q Would you eat together with other</p> <p>3 salespeople or did you eat on your own?</p> <p>4 A Depends. If we both didn't have a</p> <p>5 customer at the time, we would go grab lunch</p> <p>6 together. We didn't have a designated area to eat</p> <p>7 so we would eat right at our desk.</p> <p>8 Q Did you go to restaurants and sit there</p> <p>9 and eat?</p> <p>10 A Never.</p> <p>11 Q Never?</p> <p>12 A Never. Picked up food and come back.</p> <p>13 Q You had the option of staying at the</p> <p>14 restaurant if you wanted, correct?</p> <p>15 A Not really. It was kind of eat and go</p> <p>16 type of place. Eat and get back to work.</p> <p>17 Q When you went to get lunch, how did you</p> <p>18 pay for lunch?</p> <p>19 A I mean, with my money earned there, cash,</p> <p>20 credit, whatever.</p> <p>21 Q Sometimes you used cash, sometimes you</p> <p>22 used credit?</p> <p>23 A Yes.</p> <p>24 Q Did you ever have a charge back?</p> <p>25 A A charge back?</p>	<p style="text-align: right;">234</p> <p>1 L. Stidhum</p> <p>2 MS. TROY: Explain that.</p> <p>3 Q Dealership parlance.</p> <p>4 A I know what a charge back is. If a car</p> <p>5 was returned, they would take my commission back. I</p> <p>6 never dealt with a charge back, not that I remember</p> <p>7 at least.</p> <p>8 Q Are you aware of any vehicles you sold</p> <p>9 being returned for any reason?</p> <p>10 A Not that I can remember.</p> <p>11 MS. TROY: Again, qualifying this is</p> <p>12 during Hillside?</p> <p>13 MR. KATAEV: Yes.</p> <p>14 BY MR. KATAEV:</p> <p>15 Q Would you be surprised to learn there were</p> <p>16 vehicles that were charged back that were not taken</p> <p>17 from you?</p> <p>18 A Yes.</p> <p>19 MR. KATAEV: Off the record.</p> <p>20 (Whereupon, an off-the-record discussion was held.)</p> <p>21 BY MR. KATAEV:</p> <p>22 Q Are you aware that Defendants filed a</p> <p>23 motion to dismiss this case?</p> <p>24 A Yes.</p> <p>25 Q Are you in receipt of a copy of the</p>
<p style="text-align: right;">235</p> <p>1 L. Stidhum</p> <p>2 decision from Judge Gonzalez denying the motion to</p> <p>3 dismiss?</p> <p>4 A Yes.</p> <p>5 Q You read it, correct?</p> <p>6 A Yes.</p> <p>7 Q I'm going to place up on the screen what</p> <p>8 will be marked as Defendant's Exhibit X.</p> <p>9 (Defendant's Exhibit X, Marked for Identification.)</p> <p>10 BY MR. KATAEV:</p> <p>11 Q I will represent to you that this is the</p> <p>12 decision by Judge Gonzalez and I want to point you</p> <p>13 to a particular paragraph and ask you some questions</p> <p>14 about it, okay?</p> <p>15 A Okay.</p> <p>16 Q Look at page seven. It says, Plaintiff's</p> <p>17 allegations that she was deprived access to the</p> <p>18 Dealertrack program and "could no longer run</p> <p>19 customer credit scores or prefill financing</p> <p>20 applications," are not enough to constitute adverse</p> <p>21 actions because as Plaintiff herself described, she</p> <p>22 was given unique access and received a benefit that</p> <p>23 none of her colleagues received.</p> <p>24 You see that?</p> <p>25 A Yes.</p>	<p style="text-align: right;">236</p> <p>1 L. Stidhum</p> <p>2 Q It says in the next sentence, However, the</p> <p>3 Court finds that a decrease in Plaintiff's take-home</p> <p>4 pay can constitute an adverse action.</p> <p>5 Do you see that?</p> <p>6 A Yes.</p> <p>7 Q You're saying that your decrease in</p> <p>8 take-home pay occurred because you had to wait</p> <p>9 longer for Andris to check customer's credit</p> <p>10 histories, correct?</p> <p>11 A Correct.</p> <p>12 Q But I have shown you multiple examples</p> <p>13 where you lost sales for reasons other than that,</p> <p>14 correct?</p> <p>15 A You have showed me examples that don't</p> <p>16 really apply to this because you showed me a cash</p> <p>17 deal, which obviously there is no need to run</p> <p>18 anybody's credit and you showed me two examples of</p> <p>19 customers needing cosigners and then there is no</p> <p>20 more notes after, and then it will say that the lead</p> <p>21 was lost three months later because nobody wrote</p> <p>22 anything so I can't agree to that. That is not</p> <p>23 correct.</p> <p>24 Q It says here, Plaintiff has plausibly</p> <p>25 alleged that Defendants decreased her bonus by</p>

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<p style="text-align: right;">237</p> <p>1 L. Stidhum</p> <p>2 increasing the average wait time for her customers</p> <p>3 after she announced her pregnancy without doing the</p> <p>4 same to the customer's of her nonpregnant coworkers</p> <p>5 thereby decreasing the number of sales she was able</p> <p>6 to make.</p> <p>7 Do you see that?</p> <p>8 A Yes.</p> <p>9 Q How is it that the Defendants increased</p> <p>10 the average wait time for your customers?</p> <p>11 A Again, by making them wait to run their</p> <p>12 credit, by prioritizing other customers even though</p> <p>13 they came afterwards, after me having no Dealertrack</p> <p>14 access.</p> <p>15 Q During your employment with Hillside Auto</p> <p>16 Outlet, did you physically witness new customers</p> <p>17 coming in, being checked before your customers that</p> <p>18 were already waiting?</p> <p>19 A Yes. That's how I knew that my customers</p> <p>20 were being pushed to the side and taken -- I'm</p> <p>21 sorry, not taken, other customers were being</p> <p>22 prioritized.</p> <p>23 Q You acknowledge either way that even if</p> <p>24 Andris Guzman quickly processed the applications,</p> <p>25 you would still have to face the hurdle of closing</p>	<p style="text-align: right;">238</p> <p>1 L. Stidhum</p> <p>2 the sale based on whatever the numbers were and so</p> <p>3 on and so forth, correct?</p> <p>4 A That's not my original complaint.</p> <p>5 Q I'm asking you even if Andris complied</p> <p>6 with your request to more quickly do it, there was a</p> <p>7 greater potential that you would still not be able</p> <p>8 to close the sale for a variety of different</p> <p>9 reasons, correct?</p> <p>10 MS. TROY: Objection. Argumentative. She</p> <p>11 may answer.</p> <p>12 A I'm sorry, one more time.</p> <p>13 MR. KATAEV: Read it read.</p> <p>14 (Whereupon, the referred to question was read back</p> <p>15 by the reporter.)</p> <p>16 MS. TROY: Objection. Calls for</p> <p>17 conjecture. She may answer.</p> <p>18 A I don't know how to answer that question</p> <p>19 properly because if that was the case then it would</p> <p>20 be the same as before pretty much, before I even had</p> <p>21 Dealertrack access. I'm not really sure how to</p> <p>22 answer that question.</p> <p>23 Q Even after Andris would give you the</p> <p>24 numbers, there was a potential the customer would</p> <p>25 say, You know what, I don't want to buy this</p>
<p style="text-align: right;">239</p> <p>1 L. Stidhum</p> <p>2 vehicle, correct?</p> <p>3 A Of course, but that would have been the</p> <p>4 case the whole time regardless. That's not what the</p> <p>5 complaint is.</p> <p>6 Q Even after Andris provided you the</p> <p>7 numbers, the numbers could be such that the monthly</p> <p>8 payment that would be required by the bank could be</p> <p>9 too high, correct?</p> <p>10 A Yes.</p> <p>11 Q The down payment amount required by the</p> <p>12 bank could also be too high, correct?</p> <p>13 A Yes.</p> <p>14 Q Even if Andris timely provided you the</p> <p>15 numbers, it didn't necessary mean you would close</p> <p>16 the sale, correct?</p> <p>17 A It's partially correct.</p> <p>18 Q It only increased your chance at making</p> <p>19 the sale, but it didn't in any way guarantee you</p> <p>20 would make the sale, correct?</p> <p>21 A Correct.</p> <p>22 Q Okay. I have a couple more exhibits. Let</p> <p>23 me see if I need them.</p> <p>24 MS. TROY: Emanuel, we are sitting at the</p> <p>25 4:30 mark.</p>	<p style="text-align: right;">240</p> <p>1 L. Stidhum</p> <p>2 MR. KATAEV: We are almost done.</p> <p>3 MS. TROY: This has never been produced to</p> <p>4 us as any document production.</p> <p>5 MR. KATAEV: It has been produced to the</p> <p>6 judge in this case. Please stop interrupting</p> <p>7 my deposition.</p> <p>8 MS. TROY: I'm 1,000 percent --</p> <p>9 MR. KATAEV: Stop interrupting my</p> <p>10 deposition.</p> <p>11 MS. TROY: I'm going to note my objection.</p> <p>12 This has never been produced before.</p> <p>13 MR. KATAEV: Your objection is noted. It</p> <p>14 has been produced to the court. Stop.</p> <p>15 MS. TROY: I'm 1,000 percent sure it was</p> <p>16 not produced.</p> <p>17 MR. KATAEV: Are you willing to bet</p> <p>18 \$10,000 on it?</p> <p>19 MS. TROY: The Dropbox is only the</p> <p>20 documents. This is no audio file.</p> <p>21 MR. KATAEV: Stop interrupting my</p> <p>22 deposition.</p> <p>23 MS. TROY: Go ahead. I'm noting my</p> <p>24 objection.</p> <p>25 (Defendant's Exhibit Y, Marked for Identification.)</p>

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<p style="text-align: right;">241</p> <p>1 L. Stidhum</p> <p>2 BY MR. KATAEV:</p> <p>3 Q Defendants are producing Exhibit Y and</p> <p>4 it's an audio recording, which I'm going to play.</p> <p>5 It's approximately three minutes long. I would like</p> <p>6 the witness to listen and I will ask some questions</p> <p>7 afterwards.</p> <p>8 Are you ready?</p> <p>9 A Yes.</p> <p>10 Q Thank you.</p> <p>11 (Audio is played.)</p> <p>12 MS. TROY: Let the record reflect that</p> <p>13 this was not produced as part of the document</p> <p>14 production response. Instead Mr. Kataev</p> <p>15 recorded me without my consent and subsequently</p> <p>16 other courts have found that he should not be</p> <p>17 able to record such conversations.</p> <p>18 BY MR. KATAEV:</p> <p>19 Q Okay. I have some questions about this</p> <p>20 recording, Ms. Stidhum. Were you ever apprized of</p> <p>21 the fact that your attorney and I had what's called</p> <p>22 a telephonic meet and confer?</p> <p>23 A Yes.</p> <p>24 Q Were you aware that this was the tenor of</p> <p>25 the communications that were had?</p>	<p style="text-align: right;">242</p> <p>1 L. Stidhum</p> <p>2 A No.</p> <p>3 Q Do you believe the way the attorneys are</p> <p>4 acting in this phonecall are acting professional?</p> <p>5 MS. TROY: I'm going to object.</p> <p>6 A Can I object? Can I object?</p> <p>7 Q No, you can't object. Your attorney can</p> <p>8 object and you can answer the question. Please go</p> <p>9 ahead and make your objection.</p> <p>10 MS. TROY: Repeat your question. What is</p> <p>11 your question?</p> <p>12 BY MR. KATAEV:</p> <p>13 Q From what you hear on this phonecall, do</p> <p>14 you believe the way the attorneys are acting on this</p> <p>15 phonecall are acting professional?</p> <p>16 MS. TROY: How is this relevant?</p> <p>17 MR. KATAEV: Are you objecting because of</p> <p>18 relevance, Counselor?</p> <p>19 MS. TROY: I'm objecting.</p> <p>20 MR. KATAEV: Your objection is noted.</p> <p>21 Please answer the question.</p> <p>22 MS. TROY: Great. We will make a motion</p> <p>23 to strike and potentially move for costs</p> <p>24 afterward.</p> <p>25</p>
<p style="text-align: right;">243</p> <p>1 L. Stidhum</p> <p>2 BY MR. KATAEV:</p> <p>3 Q Please answer the question.</p> <p>4 A I'm not sure. I don't know the nature. I</p> <p>5 know that things can get heated.</p> <p>6 Q Are you aware that interrogatory number 9</p> <p>7 is not something that Defendants were compelled to</p> <p>8 provide?</p> <p>9 A Can I know what an interrogatory is? I</p> <p>10 don't know what it is.</p> <p>11 Q Withdrawn.</p> <p>12 I believe I have two or three more</p> <p>13 exhibits.</p> <p>14 MS. TROY: You had a couple of exhibits</p> <p>15 30 minutes ago.</p> <p>16 MR. KATAEV: Well, now I have a couple of</p> <p>17 exhibits 30 minutes later.</p> <p>18 MS. TROY: For the record, it's now 4:40.</p> <p>19 We were supposed to start at 9:00. He wasn't</p> <p>20 ready to start at 9:00.</p> <p>21 MR. KATAEV: Based on testimonial time.</p> <p>22 Enough with this.</p> <p>23 I'm placing up on the screen what will be</p> <p>24 marked as Defendant's Exhibit Z.</p> <p>25 (Defendant's Exhibit Z, Marked for Identification.)</p>	<p style="text-align: right;">244</p> <p>1 L. Stidhum</p> <p>2 BY MR. KATAEV:</p> <p>3 Q I will represent to you that this is a</p> <p>4 December 6, 2022 order from Judge Mann, who</p> <p>5 previously presided as the magistrate judge in this</p> <p>6 case. You can read the whole thing but my focus</p> <p>7 will be on this aspect right here. Let me know when</p> <p>8 you're done reading it.</p> <p>9 (Witness perusing document.)</p> <p>10 MS. TROY: I would like to note for the</p> <p>11 record that this does not reflect our</p> <p>12 correction to some of the misrepresentations</p> <p>13 made by Defendants' counsel.</p> <p>14 A I'm finished.</p> <p>15 Q Do you see this part of this order that</p> <p>16 Judge Mann notes that Plaintiff's counsel persisted</p> <p>17 in engaging in gratuitous and ad hominem attacks on</p> <p>18 me, Defense counsel?</p> <p>19 A Yes.</p> <p>20 Q Are you aware that your attorney spends</p> <p>21 time on your case engaging in personal attacks</p> <p>22 against unnecessarily?</p> <p>23 A No.</p> <p>24 Q You should be aware of that.</p> <p>25 MS. TROY: We are going to motion to</p>

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<p style="text-align: right;">245</p> <p>1 L. Stidhum</p> <p>2 strike that after this deposition.</p> <p>3 MR. KATAEV: Make the motion after.</p> <p>4 Please don't interrupt my deposition.</p> <p>5 BY MR. KATAEV:</p> <p>6 Q I'm placing up on the screen what will be</p> <p>7 marked as Defendant's Exhibit AA. I will represent</p> <p>8 to you this is a December 22, 2022 decision by</p> <p>9 Magistrate Judge Mann who previously presided over</p> <p>10 this case. It's resolving a letter motion filed by</p> <p>11 your law firm that's representing you.</p> <p>12 MS. TROY: Scroll through the entirety of</p> <p>13 the document. It's 10 pages.</p> <p>14 MR. KATAEV: You have the document. I'm</p> <p>15 going to focus on what I need to ask.</p> <p>16 MS. TROY: She's entitled to review the</p> <p>17 entirety of the document.</p> <p>18 MR. KATAEV: That's fine. I would like to</p> <p>19 finish asking the question before I do that.</p> <p>20 MS. TROY: She can review the entirety of</p> <p>21 the document.</p> <p>22 MR. KATAEV: Stop interrupting my</p> <p>23 deposition. I'm asking a question. Please do</p> <p>24 not interrupt me. You've interrupted me three</p> <p>25 times during this question. Make your</p>	<p style="text-align: right;">246</p> <p>1 L. Stidhum</p> <p>2 objection after I'm done speaking. Wait until</p> <p>3 I'm done. Have some manners.</p> <p>4 MS. TROY: I'm asking that she be --</p> <p>5 MR. KATAEV: Stop. Stop. I want to ask</p> <p>6 my question. Stop interrupting my deposition.</p> <p>7 MS. TROY: My request was noted. To the</p> <p>8 extent you ignore it, it's also noted for the</p> <p>9 record.</p> <p>10 MR. KATAEV: It's not being ignored. I</p> <p>11 would like to ask my question. Please stop</p> <p>12 interrupting my deposition.</p> <p>13 MS. TROY: Again, my request was noted.</p> <p>14 MR. KATAEV: Stop interrupting my</p> <p>15 deposition. When I finish asking my question,</p> <p>16 I will give you an opportunity to make an</p> <p>17 objection. Stop interrupting my deposition.</p> <p>18 BY MR. KATAEV:</p> <p>19 Q As I was saying, I'm presenting to you</p> <p>20 Defendant's Exhibit AA which is a Memorandum of</p> <p>21 Order by Judge Mann, the previous judge in this</p> <p>22 case, and in this decision she's resolving a letter</p> <p>23 motion filed by your attorneys to compel Defendants</p> <p>24 to provide supplemental responses to Plaintiff's</p> <p>25 interrogatories and document demands.</p>
<p style="text-align: right;">247</p> <p>1 L. Stidhum</p> <p>2 Do you see that?</p> <p>3 A Yes.</p> <p>4 Q Thank you. If you would like to take a</p> <p>5 second to read through this and tell me when to</p> <p>6 scroll I will do so.</p> <p>7 (Witness perusing document.)</p> <p>8 A Okay.</p> <p>9 Q I don't have any questions about this, but</p> <p>10 at your counsel's request, we are going to waste our</p> <p>11 time reviewing the entire document.</p> <p>12 MS. TROY: If you don't have any questions</p> <p>13 about it, we don't need to waste our time going</p> <p>14 through the document.</p> <p>15 MR. KATAEV: Thank you, I'm so glad we</p> <p>16 were able to achieve that.</p> <p>17 BY MR. KATAEV:</p> <p>18 Q I'm highlighting a portion --</p> <p>19 MS. TROY: If you have a question --</p> <p>20 MR. KATAEV: I said I don't have a</p> <p>21 questions about this portion.</p> <p>22 BY MR. KATAEV:</p> <p>23 Q Back on the record. Page two of</p> <p>24 Document 37. This is Defendants' Exhibit AA and I'm</p> <p>25 highlighting, Nevertheless Plaintiff's ad hominem</p>	<p style="text-align: right;">248</p> <p>1 L. Stidhum</p> <p>2 attacks are unwarranted; do you see that?</p> <p>3 A Yes.</p> <p>4 Q This is the second reference in which your</p> <p>5 attorneys are being accused of making personal</p> <p>6 attacks against me.</p> <p>7 Are you aware of that?</p> <p>8 A No.</p> <p>9 Q It says in here that while the judge in</p> <p>10 the Southern District of New York did, in fact,</p> <p>11 criticize me for quote/unquote making frivolous</p> <p>12 requests in that case, the firm, Troy Law PLLC,</p> <p>13 which represents the Plaintiff in the instant action</p> <p>14 has been sanctioned, punished in literally dozens of</p> <p>15 cases, too numerous to recount in both this district</p> <p>16 and the Southern District of New York.</p> <p>17 Are you aware, Ms. Stidhum, that the</p> <p>18 law firm that you hired has been sanctioned,</p> <p>19 punished in dozens of cases too numerous recount?</p> <p>20 MS. TROY: I'm going to make my objection</p> <p>21 to this question. Irrelevant to the case and</p> <p>22 we are going to motion to strike that question</p> <p>23 and response and we are going to move for costs</p> <p>24 and fees to that question.</p> <p>25 MR. KATAEV: Your objection is noted.</p>

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<p style="text-align: right;">249</p> <p>1 L. Stidhum</p> <p>2 BY MR. KATAEV:</p> <p>3 Q Please answer the question.</p> <p>4 A No.</p> <p>5 Q I have one final exhibit and this</p> <p>6 deposition is over.</p> <p>7 Ms. Stidhum, are you aware that there</p> <p>8 was an appeal of the decision denying the motion to</p> <p>9 dismiss?</p> <p>10 A Yes.</p> <p>11 Q Are you aware that that appeal has been</p> <p>12 withdrawn?</p> <p>13 A Yes.</p> <p>14 MR. KATAEV: I believe I'm done. I will</p> <p>15 be right back.</p> <p>16 (Short recess taken.)</p> <p>17 BY MR. KATAEV:</p> <p>18 Q Ms. Stidhum, do you have a recollection as</p> <p>19 to when Ali came to first work at Hillside Auto</p> <p>20 Outlet?</p> <p>21 A I don't really remember. It was between</p> <p>22 sometime in mid November to early December. Isaac</p> <p>23 was trying to train him for when he leaves to kind</p> <p>24 of handle what he handles while he was on vacation.</p> <p>25 Q When did Isaac go on vacation?</p>	<p style="text-align: right;">250</p> <p>1 L. Stidhum</p> <p>2 A Early December. Maybe mid December.</p> <p>3 Q It wouldn't be outside the realm of reason</p> <p>4 for Ali to have come to begin work in the beginning</p> <p>5 of December, correct?</p> <p>6 MS. TROY: Objection as to form. She may</p> <p>7 answer.</p> <p>8 A I'm sorry. I don't understand. I don't</p> <p>9 understand.</p> <p>10 Q You wouldn't find it hard to believe that</p> <p>11 Ali began working in the beginning of December 2018,</p> <p>12 correct?</p> <p>13 A No. That's what I just stated.</p> <p>14 Q Okay. You disclosed to everyone that you</p> <p>15 were pregnant in late November of 2018, correct?</p> <p>16 A Correct.</p> <p>17 Q The conversation about a sales manager</p> <p>18 promotion happened after Ali started working there,</p> <p>19 correct?</p> <p>20 A That's incorrect. That happened prior.</p> <p>21 Q That conversation happened between</p> <p>22 yourself, Ali and Isaac; did it not?</p> <p>23 A No.</p> <p>24 Q You're saying that Isaac had an</p> <p>25 independent conversation with you first without Ali</p>
<p style="text-align: right;">251</p> <p>1 L. Stidhum</p> <p>2 present?</p> <p>3 A Ali was never in the equation when we had</p> <p>4 that managerial talk.</p> <p>5 MR. KATAEV: Give me one second.</p> <p>6 Last question.</p> <p>7 MS. TROY: You have like five last</p> <p>8 questions already.</p> <p>9 MR. KATAEV: Congratulations for noting</p> <p>10 that.</p> <p>11 BY MR. KATAEV:</p> <p>12 Q If the first conversation you had about</p> <p>13 the promotion occurred with Ali present, then it</p> <p>14 is --</p> <p>15 MS. TROY: Objection. Mischaracterizes</p> <p>16 witness testimony. You can continue to ask</p> <p>17 your question.</p> <p>18 MR. KATAEV: You can't object in the</p> <p>19 middle of my question. I'm going to rephrase</p> <p>20 the question.</p> <p>21 BY MR. KATAEV:</p> <p>22 Q If it is, in fact, true that your</p> <p>23 conversation with Isaac about a promotion occurred</p> <p>24 with Ali present, then it is true that that</p> <p>25 conversation occurred after you told everyone you're</p>	<p style="text-align: right;">252</p> <p>1 L. Stidhum</p> <p>2 pregnant, correct?</p> <p>3 MS. TROY: Objection. Mischaracterizes</p> <p>4 witness testimony. That's not what she said.</p> <p>5 A I just said Ali was not present for that</p> <p>6 conversation at all. In fact, I thought that the</p> <p>7 month of November me exceeding expectations of every</p> <p>8 other month was going to push me into that position</p> <p>9 even more because it was already a conversation</p> <p>10 prior to me doing the max cars I ever did at that</p> <p>11 dealership.</p> <p>12 MR. KATAEV: Thank you for your time</p> <p>13 today. I have no further questions.</p> <p>14</p> <p>15 (Time noted: 4:57 p.m.)</p> <p>16</p> <p>17 LETICIA F. STIDHUM</p> <p>18</p> <p>19 Subscribed and sworn to before me this ____ day</p> <p>20 of _____ 2023.</p> <p>21 _____, Notary Public.</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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